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Letter dated 7 October 2016 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 32 of Security Council resolution 2244 (2015), I have the honour to transmit herewith the report on Somalia of the Monitoring Group on Somalia and Eritrea.

In this connection, the Committee would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Rafael Darío **Ramírez Carreño**
Chair
Security Council Committee pursuant to resolutions 751 (1992)
and 1907 (2009) concerning Somalia and Eritrea

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Letter dated 28 September 2016 from the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

In accordance with paragraph 32 of Security Council resolution 2244 (2015), we have the honour to transmit herewith the report on Somalia of the Monitoring Group on Somalia and Eritrea.

(*Signed*) Christophe **Trajber**
Coordinator
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(*Signed*) Jay **Bahadur**
Armed groups expert

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(*Signed*) James **Smith**
Regional expert

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2244 (2015): Somalia

Summary

Vision 2016 established three widely accepted benchmarks for a successful political transition envisaged for Somalia as at September 2016: "one person, one vote" national elections, the completion of the federal state formation process and the adoption of a new constitution. At the time of writing, the format of the elections had been altered and the timing postponed; the federal state formation process had yet to incorporate the Hiran and Middle Shabelle regional state and resolve the status of the Banadir region; and the negotiation of a new constitution had been put on hold owing to more immediate electoral imperatives. Meanwhile, the international community and the Federal Government have prioritized keeping the electoral process on track and taken pains to emphasize incremental progress, even as the goalposts for what constitutes success have shifted. In contrast, the investigations of the Monitoring Group on Somalia and Eritrea reveal an incomplete, fragmented transition process with adverse implications for peace and security, security sector reform, arms embargo implementation, humanitarian and human right issues, conflict financing and natural resource governance, and corruption.

Harakat al-Shabaab al-Mujaahidiin (Al-Shabaab) remains the most immediate threat to peace and security in Somalia. Contrary to prevailing narratives of successful counter-insurgency and counter-terrorism efforts, the Monitoring Group assesses that the security situation has not improved in Somalia during the current mandate. Al-Shabaab has retained the operational capacity to launch large-scale attacks against African Union Mission in Somalia (AMISOM) contingents, such as the offensive on 15 January 2016 against a Kenyan military company stationed at a forward operating base in El Adde, Gedo region. Al-Shabaab has also continued to launch complex attacks in Mogadishu; six attacks against hotels during the current mandate claimed a combined total of some 120 lives, including three parliamentarians and the Minister of Environment. A new rival faction of Al-Shabaab with about two dozen members has also emerged in the Golis mountains of Puntland, led by Sheikh Abdulqader Mu'min, and has pledged allegiance to Islamic State in Iraq and the Levant. In an apparent attempt to eliminate that faction, Al-Shabaab launched a failed amphibious incursion into Puntland on 13 March 2016, resulting in more than 300 members being killed in clashes with Puntland and Galmudug Interim Administration forces. Lastly, although Al-Shabaab has not successfully launched a major terrorist attack outside Somalia since the massacre at Garissa University College in Kenya on 2 April 2015, the Monitoring Group assesses that it retains both the capability to carry out another such attack and a self-proclaimed motive with regard to targeting countries contributing troops to AMISOM.

Although the Federal Government has committed itself to undertaking substantive security sector reform, continuing problems of corruption, mismanagement and financial constraints have compromised the effectiveness of the Somali National Army. The efforts to address the issue notwithstanding, the process of identifying and registering troops, including the elimination of so-called "ghost soldiers" on the payroll, remains incomplete. Investigations by the Monitoring Group

have also revealed significant inconsistencies in accounting for the payment of salaries. The continuing lack of regular salary payments has contributed to an increase in withdrawals from strategic positions throughout southern and central Somalia and the subsequent, albeit temporary in some instances, return of Al-Shabaab. The Group's investigations have also revealed the likely misappropriation of rations and supplies intended for soldiers through a contract between the Federal Government and a private company. Support provided to the military by Member States has also likely been subject to misappropriation, in particular when the goods have been provided in bulk and through third party contractors rather than directly to troops.

There have been several difficult challenges in implementing the arms embargo during the current mandate: a lack of compliance on the part of the Federal Government with reporting obligations, a lack of compliance by Member States when supporting Somali security sector institutions other than the Federal Government's forces and the use of an improvised explosive device to target civil aviation. Although the Federal Government has improved some aspects of its compliance with reporting obligations regarding the partially lifted embargo, its reporting to the Security Council has been insufficient and it still lacks the institutional capacity to manage weapons and ammunition effectively. Calls by the Federal Government to fully lift the embargo are based on a false premise that the embargo constitutes an impediment to its importing of arms and ammunition; however, Member States have submitted advance notifications for more than 20,000 weapons and 13 million rounds of ammunition for the Federal Government's forces since the partial lifting of the embargo in March 2013. Meanwhile, Member States have also increased their military support for regional forces that are not part of the Federal Government, but have persistently failed to comply with notification requirements, thus allowing weapons and ammunition transfers to those entities to flow de facto unchecked. This has undermined the embargo as a whole and reinforced trends towards an increasingly fragmented approach to the security sector. There has been an upsurge in maritime interdictions of illicit arms during the current mandate, with three seizures by the Combined Maritime Forces and one by a Member State. Lastly, the improvised explosive device attack on a Daallo Airlines flight from Mogadishu to Djibouti on 2 February 2016 indicates a substantial new threat to civil aviation within the region.

The obstruction of humanitarian assistance and violations of international humanitarian law affecting civilians have continued to be fundamental problems. Obstacles include a lack of humanitarian access stemming from Al-Shabaab economic blockades, attacks on humanitarian workers and the diversion and misappropriation of humanitarian aid. In extreme situations, small networks of individuals have so tightly controlled humanitarian operations through a monopoly on political power, finances and the use of force that they have in effect constituted a criminal cartel. Trends in violations of international humanitarian law suffered by civilians during the previous mandate were accentuated during the current mandate, especially in terms of the intensity and scope of Al-Shabaab attacks, violence against civilians by international forces (including as a result of the use of aerial weaponry) and the impact of armed conflict associated with political and inter-clan disputes frequently involving federal and regional forces and local militias. Targeted killings of civilians by Al-Shabaab included government officials, civil servants, parliamentarians, international agency staff, civil society activists and journalists. Furthermore, there was an overall increase in the number of verified instances of recruitment and use of child solders, in particular by Al-Shabaab before the group's failed offensive in Puntland in March 2016. Lastly, armed conflict and insecurity internally displaced some 598,000 Somalis between 1 January 2015 and 30 June 2016, including numerous forced evictions from informal settlements in urban centres.

There have been some positive trends in terms of the implementation of the ban on charcoal and with regard to natural resource governance during the current mandate. As first observed by the Monitoring Group in late 2015, Al-Shabaab continued its strategic shift away from the charcoal trade, instead often attacking or jailing charcoal burners and traders within territory where it wields influence. There has also been improved enforcement of the charcoal ban by importing countries, in particular the United Arab Emirates, which had created an identifiable deterrent effect on charcoal exporters in Somalia as at May 2016. These two factors have contributed to a pattern of a declining volume of charcoal exports from Somalia compared with the previous few years. Nevertheless, the commercial networks that sustain charcoal exports from Somalia and imports into the United Arab Emirates remain in place, the Monitoring Group continues to receive reports of dhows with charcoal departing from Somalia and arriving in the United Arab Emirates and there are currently no effective barriers to prevent Al-Shabaab from reverting to systematically taxing the production and transport of charcoal. Al-Shabaab has also proved adept at offsetting declining charcoal revenue by the increased taxation of other natural resources and commodities, such as the illicit sugar trade, agricultural production in southern Somalia and livestock in central Somalia. In terms of natural resource governance, the Ministry of Petroleum and Mineral Resources has taken positive steps towards establishing a regulatory framework for the oil industry, including drafting a model production-sharing agreement for exploration and development contracts, but other challenges remain, such as creating viable implementing institutions and reaching a constitutional revenue-sharing agreement between the Federal Government and regional entities.

Although some steps have been taken towards improving the regulation of the financial sector, the Federal Government nonetheless lacks sufficient institutional capacity for effective implementation. Remittances from abroad continue to comprise a significant proportion of the Somali economy, with at least $1.2 billion sent through hawala companies in 2015. While remittances remain a crucial lifeline for many Somalis, in particular for people living in rural areas, the hawala companies do not have sufficient monitoring systems and due diligence procedures in place to ensure that the remittances do not finance terrorism. National mobile money services through telecommunications companies pose an analogous problem because they remain largely unregulated in Somalia, thus also providing an opportunity for use by Al-Shabaab. In an attempt to address these types of problems, the President signed an act to counter money laundering and terrorism financing in May 2016; however, the implementing bodies lack both financial resources and institutional capacity. More generally, the Monitoring Group assesses that the Federal Government currently lacks the ability to credibly implement targeted asset freezes imposed by the Security Council on individuals and entities in Somalia. Lastly, corruption remains a problem, including with regard to public contracts and in other areas such as the misappropriation of public land for private gain.

Sanctions have never been more relevant for assisting Somalia through a difficult dual process of conflict resolution and state formation: Al-Shabaab still constitutes an imminent threat to peace and security; the Somali security sector reform remains far from complete; the non-compliance by the Federal Government with the terms of the partial lifting of the arms embargo and a lack of Member State compliance with reporting obligations when supporting regional forces need to be addressed; the obstruction of humanitarian assistance and violations of international humanitarian law against civilians continue to plague Somalia; conflict financing from natural resources remains a significant problem and only initial steps have been taken towards establishing effective natural resource governance; and corruption remains a problem because nascent regulatory frameworks lack functional implementing institutions. In keeping with its mandate, the Monitoring Group has proposed 14 recommendations for the consideration of the Security Council to improve the effectiveness of sanctions design and implementation.

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* The annexes are being circulated in the language of submission only and without formal editing.

I. Introduction

A. Mandate

1. The mandate of the Monitoring Group on Somalia and Eritrea is contained in paragraph 31 of Security Council resolution 2244 (2015) and paragraph 13 of resolution 2060 (2012). Additional tasks were assigned to the Group under resolutions 2093 (2013) and 2142 (2014).

2. Pursuant to paragraphs 31 of resolution 2244 (2015) and 13 (l) of resolution 2060 (2012), the Monitoring Group provided the Security Council, through the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, with a midterm update on 22 April 2016. The Group also submitted monthly progress updates to the Committee throughout its mandate.

3. In the course of their investigations, members of the Monitoring Group travelled to Angola, Bahrain, Belgium, Canada, the Comoros, Djibouti, Ethiopia, Finland, France, Iran (Islamic Republic of), the Netherlands, Norway, Romania, Seychelles, Somalia, South Africa, Sweden, Switzerland, Uganda, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America. Members of the Group were able to undertake regular visits to Somalia (Baidoa, Bosaso, Galgala, Galkayo, Garowe, Hargeisa, Kismayo and Mogadishu).

4. The Monitoring Group was based in Nairobi and comprised the following experts: Christophe Trajber (Coordinator), Jay Bahadur (armed groups), Charles Cater (natural resources), Bogdan Chetreanu (finance), Déirdre Clancy (humanitarian), Tapani Holopainen (finance), Rufus Kalidheen (arms) and James Smith (regional).

B. Methodology

5. The evidentiary standards and verification processes outlined in the previous reports of the Monitoring Group apply to work conducted during the mandate under review. The Group reaffirmed its methodology pursuant to its previous reports. The methodology used for the present report is as follows:

(a) Collecting information on events and topics from multiple sources, where possible;

(b) Collecting information from sources with first-hand knowledge of events, where possible;

(c) Identifying consistency in patterns of information and comparing existing knowledge with new information and emerging trends;

(d) Continuously factoring in the expertise and judgment of the relevant expert of the Monitoring Group and the collective assessment of the Group with regard to the credibility of information and the reliability of sources;

(e) Obtaining physical, photographic, audio, video and/or documentary evidence in support of the information collected.

6. The Monitoring Group made a deliberate and systematic effort to gain access to those involved in violations by way of individuals who had direct knowledge or who knew people who had direct knowledge about details of violations. On some occasions, the Group was able to witness first-hand active violations.

7. The Monitoring Group interviewed a wide range of sources with relevant information, including government officials and representatives of diplomatic missions, civil society organizations and aid agencies. Members of the Group met various government officials, including the President and ministers, and representatives of security agencies. The Group also met or communicated with officials from the Puntland, Somaliland and interim regional administrations, representatives of political and armed groups, defectors and members of business communities and Somali civil society.

8. To provide the Committee with the most important information and make it aware of key developments on a timely basis, the Monitoring Group decided to increase the content within its monthly reports.

9. In accordance with the Secretary-General's bulletin on information sensitivity, classification and handling (ST/SGB/2007/6), the Monitoring Group has submitted to the Committee, together with the present report, several strictly confidential annexes containing information whose disclosure may be detrimental to the proper functioning of the United Nations or to the welfare and safety of its staff or third parties or may violate the Organization's legal obligations. Those annexes will not be issued as a document of the Security Council.

II. Acts that threaten the peace, security and stabiiity of Somalia

A. Harakat al-Shabaab al-Mujaahidiin

Current status

10. The Islamist militant group Harakat al-Shabaab al-Mujaahidiin (Al-Shabaab) represents the most immediate threat to peace and security in Somalia and continues to be a destabilizing force in the broader East and Horn of Africa region.

11. As during the Monitoring Group's previous mandate, the use of lethal action by Member States, the Federal Government and regional administrations to specifically target key Al-Shabaab leaders has resulted in assassinations. Perhaps the most significant targeted killing took place on 2 December 2015, when a senior Al-Shabaab Amniyat operative, Sultan Mohamed Sandhere, also known as "Ukash", was killed in a United States drone strike. He had been linked to the Westgate shopping centre attack in Nairobi on 23 September 2013 and the suicide bombing at the Chaumière restaurant in Djibouti on 24 May 2014 (see S/2014/726, annexes 2.1 and 2.3). In late May 2016, Interim Jubba Administration forces killed Mohamed Mohamud Kuno (also known as "Dulyadeyn" or "Gamadhere"), the top military commander of Al-Shabaab in the Middle Juba and Lower Juba regions, in a raid near Bulagadud, Lower Juba. Kuno, a native of Garissa, Kenya, is believed to have

played a role in organizing the Garissa University College attack of 2 April 2015 that killed 148 people, the majority students (see S/2015/801, annex 4.2). Ma'alim Daud, or Yusuf Haji, was also killed in the raid; according to the Government of the United States, which had placed a $5 million bounty on him, he had been responsible for planning, recruitment, training and operations against the Federal Government and Western targets.[1] It is uncertain, however, what long-term impact the ongoing policy of targeting the Al-Shabaab leadership will have on degrading the group's capabilities. Al-Shabaab possesses a robust and ideologically committed "middle management", capable of seamlessly stepping into positions vacated by assassinated senior leaders.

12. Since the final phase of Operation Juba Corridor began in July 2015, leading to the capture by the African Union Mission in Somalia (AMISOM) of the Al-Shabaab strongholds of Bardera and Dinsor, AMISOM offensive operations have stalled. Accordingly, Al-Shabaab remains in direct control of much of the territory of the Juba Valley, allowing the group to maintain an important source of revenue: the taxation (zakat) of agricultural land.

13. As during the Monitoring Group's previous mandate, the overall strategy of Al-Shabaab has consisted of withdrawing into the countryside and cutting off road access to urban centres occupied by AMISOM and the Somali National Army (SNA) (see annex 6.1). By doing so, the group aims to undercut local support for the forces fighting against it, while reducing the AMISOM military positions to isolated and increasingly untenable islands. There has also been a pattern of Al-Shabaab recapturing towns following withdrawals by the national and AMISOM forces.

Attacks on African Union Mission in Somalia contingents

14. In its final report for 2015, the Monitoring Group noted with concern that Al-Shabaab had resumed conventional assaults on military targets, which the group had previously eschewed after withdrawing from Mogadishu in 2011 (S/2015/801, para. 88). In particular, the Group highlighted the attacks on 26 June and 1 September 2015 on Burundian and Ugandan AMISOM contingents based at Leego and Janale, respectively (ibid., para. 91).

15. At daybreak on 15 January 2016, an attack of even greater magnitude occurred against a Kenyan military company stationed in El Adde, at an AMISOM forward operating base near the border with Kenya in the Gedo region. Two vehicle-borne improvised explosive devices were detonated, the first at the main gate and the

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[1] United States Department of State, "Rewards for justice: reward offers for information on al-Shabaab key leaders", press release, 10 November 2015. One other significant Al-Shabaab leader, Ali Hassan Dhoore, was killed in a drone strike by the United States on 31 May 2016. According to United States officials, Dhoore had planned the attack of 25 December 2014 on AMISOM forces at the Aden Adde International Airport complex and the attack of 27 March 2015 on the Makka al-Mukarama hotel in Mogadishu.

second at the centre of the camp,[2] before hundreds of militants overran the camp with relatively little resistance from the Kenyan troops.

16. While the Government of Kenya is yet to release official casualty figures, the Monitoring Group believes that some 150 Kenyan soldiers were killed during the attack, making it the largest military defeat in Kenyan history.[3] In addition, at least 11 soldiers were captured alive and subsequently held hostage in two separate groups by Al-Shabaab in Middle Juba. Since their abduction, the Group has received information concerning the changing whereabouts and status of the captives, which it has shared with the Kenyan authorities through an intermediary.

17. Moreover, photographs released by Al-Shabaab in conjunction with a press release on 17 January 2016 revealed that the group had captured a significant quantity of military equipment in El Adde, including armoured personnel carriers and self-propelled guns (see annex 1.1).

18. On 9 April 2016, Al-Shabaab released a 48-minute propaganda video, presented principally in English and Kiswahili, *The Sheikh Abu-Yahya al-Libi Raid: Storming the Kenyan Crusaders' Base*.[4] While the video depicted a highly uncoordinated and tactically unsound assault on the part of Al-Shabaab, the Kenyan forces also failed to implement basic defensive measures, such as constructing fortified barriers at the entrance to the camp and neglecting to man machine gun and mortar emplacements.

19. Moreover, the attack highlighted the lack of coordination between countries contributing troops to AMISOM and the fractured nature of the AMISOM command and control mechanism. Even though the closest AMISOM reinforcements to El Adde were stationed in Busaar, at a base to the south-west garrisoned by Ethiopian troops, the lack of a secure AMISOM communications system prevented the Kenyan troops from contacting their Ethiopian counterparts for assistance. Instead, the closest military personnel to respond were Kenyan troops based inside Kenya, who arrived far too late to assist.[5]

20. The lack of effective intelligence gathering and the absence of engagement with local communities on the part of AMISOM both contributed to the effectiveness of the attack.[6] Somali security sources told the Monitoring Group that they had been aware of a concentration of Al-Shabaab fighters around El Adde — although the precise target was unknown — and that they had conveyed the

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[2] A security source present on the ground in the aftermath of the attack told the Monitoring Group on 17 March 2016 that the vehicle-borne improvised explosive devices had carried between 30 and 50 kg of explosives and been delivered by soft-skin vehicles and not by armoured vehicles as had been widely reported in the media.

[3] Based on media accounts and a Monitoring Group interview with a security expert and eyewitness to the aftermath of the attack, 17 March 2016.

[4] Available from http://jihadology.net/2016/04/09/new-video-message-from-%E1%B8%A5arakat-al-shabab-al-mujahidin-the-raid-of-shaykh-abu-ya%E1%B8%A5ya-al-libi-storming-the-base-of-the-crusader-kenyan-army/.

[5] See Paul D. Williams, "The battle at El Adde: the Kenya Defence Forces, al-Shabaab, and unanswered questions", issue brief, International Peace Institute, July 2016.

[6] Adding to the difficulties of community engagement was the perception by the locally dominant Marehan clan that the Kenyan military was actively supporting the rival Ogaden clan.

information to their Kenyan interlocutors.[7] Following the attack, however, the Kenyan forces denied that they had been forewarned.[8]

21. The cumulative effect of the attack in El Adde and the two previous attacks in Leego and Janale has been to reinforce the AMISOM tendency to operate in "barracks mode", consolidating forces into concentrated positions and thereby further inhibiting engagement with local communities. On 26 January, for example, the Kenyan forces withdrew from their positions in El Adde and from Badhaadhe and Bulagadud, Lower Juba. In February, AMISOM further vacated several forward operating bases, including in Fafadum and Khadija Haji, Gedo. As is typical, Al-Shabaab has been able to exploit the space from which AMISOM has withdrawn; for example, 200 Al-Shabaab fighters were sighted in the Khadija Haji area early in March.[9]

22. Another potential attack on AMISOM forces was deterred on 5 March 2016. A United States aerial strike on an Al-Shabaab training camp in Raaso, 120 km north of Mogadishu, eliminated at least 150 militants, making it the deadliest drone strike in United States history. According to a Pentagon spokesperson, the strike had targeted an Al-Shabaab graduation ceremony, adding that the fighters had been scheduled to depart the camp and "posed an imminent threat to U.S. and AMISOM forces" in Somalia.[10]

23. That setback notwithstanding, at dawn on 9 June 2016, after deploying a vehicle-borne improvised explosive device, some 500 militants stormed an AMISOM forward operating base manned by Ethiopian troops in Halgan, on the main road between Buloburde and Belet Weyne in the Hiran region. Between 100 and 150 additional fighters blocked the road from Buulobarde in order to prevent the arrival of reinforcements from the Djiboutian contingent stationed there. While the Ethiopian forces managed to repel the attack, casualties were heavy on both sides, with at least 30 soldiers killed.[11] Foreign fighter Khattab al-Masri, an Egyptian national and former close associate of assassinated United States Al-Shabaab member Omar Hammami, or "Abu Mansour al-Amriki",[12] was killed during the attack.[13]

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[7] Meeting with federal security officials, 3 February 2016. In addition, a Somali military commander in the Gedo region publicly claimed that the Kenyan troops had been warned of an impending attack. See Harun Maruf, "Somali general: Kenyans were warned of Al-Shabaab attack", VOA News, 18 January 2016.

[8] See "[VIDEO] KDF camp had 240 soldiers, half missing", *Star*, 20 January 2016. Available from www.the-star.co.ke/news/2016/01/20/video-kdf-camp-had-240-soldiers-half-missing_c1279464.

[9] Confidential Kenyan police report, 2 March 2016. For more information on AMISOM and SNA withdrawals, see section II.B below.

[10] See United States Department of Defense, "U.S. conducts airstrike against terrorist camp in Somalia", 7 March 2016. Available from www.defense.gov/News/Article/Article/687353/us-conducts-airstrike-against-terrorist-camp-in-somalia.

[11] Confidential United Nations security report, 13 June 2016.

[12] See S/2013/413, annex 1.2, for a profile of Omar Hammami.

[13] Unconfirmed but credible information suggests that al-Masri had links to the Organization of Al-Qaida in the Islamic Maghreb and also may have served as a go-between for an ISIL facilitator based in Yemen. Monitoring Group interview with a regional intelligence official, 8 July 2016.

Mogadishu hotel attacks

24. During the current mandate, Al-Shabaab continued to launch continued complex attacks against Mogadishu hotels popular with officials of the Federal Government at a frequency of approximately one every two months, a trend highlighted in the Monitoring Group's final report for 2015 (S/2015/801, annex 4.1). The standard modus operandi of the attacks has remained consistent, with a vehicle-borne improvised explosive device being deployed to breach the perimeter of a compound, typically followed by an assault by between three and six suicide gunmen.

25. There were six prominent Mogadishu hotel attacks during the current mandate: Sahafi Hotel (1 November 2015); Beach View Hotel (22 January 2016); SYL Hotel (26 February and 30 August 2016); Ambassador Hotel (1 June 2016); and Naso Hablod Hotel (25 June 2016). The attacks claimed a combined total of some 120 lives, including three parliamentarians and the Minister of Environment, Buri Hamza.[14] By contrast, Al-Shabaab carried out four complex attacks against hotels during the Monitoring Group's previous mandate, indicating that the group's ability to conduct asymmetric operations within the Somali capital has not been meaningfully degraded during the past year.

Emergence of Islamic State in Iraq and the Levant faction

26. On 22 October 2015, an Al-Shabaab cleric based in the Golis mountains of Puntland, Sheikh Abdulqader Mu'min (Majeerteen/Ali Salebaan), declared allegiance to Islamic State in Iraq and the Levant (ISIL). He had been based in London as an imam before returning to Somalia in September 2010, where he assumed the role of "ideological leader" of Al-Shabaab North-East (see S/2013/413, annex 1.7).

27. He probably believed that his defection to ISIL would trigger a broad shift in Al-Shabaab allegiance away from Al-Qaida. Instead, the Al-Shabaab leadership reacted swiftly to crack down on pro-ISIL elements within the group, both in Puntland and in southern Somalia. In November 2015, Al-Shabaab North-East elements loyal to Al-Qaida evicted Mu'min and several dozens of his followers from the Golis mountains following armed clashes. He subsequently fled to Iskushuban district, Bari region, the homeland of his Ali Salebaan clan.

28. While Mu'min and his approximately two dozen followers remain ideologically aligned with ISIL, the Monitoring Group is not aware of any operational links between the two groups. Nevertheless, Mu'min is known to receive material support from his Ali Salebaan cousin, the arms dealer and former pirate, Isse Mohamoud Yusuf, or "Yullux" (see S/2013/413, annexes 1.7 and 3.1.c). Both Mu'min and Abdisamed Gallan, a former governor of the Bari region who launched an open insurgency against the Puntland authorities in June 2016, have received imports of arms through the port of Qandala, facilitated by "Yullux" (see annex 1.2).

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[14] The parliamentarians killed were Abdi Mohamed Abtidon, Abdullahi Jama Kabaweyne and Mohamud Mohamed Gure. See also annex 7.1 for a discussion of the increased intensity of Al-Shabaab violence against civilian targets.

29. Details on Mu'min's ISIL-aligned faction in the Bari region are provided in annex 1.2.

Al-Shabaab in Puntland

Al-Shabaab North-East in the Golis mountains

30. In its final report for 2015, the Monitoring Group provided an update on the ongoing insurgency by Al-Shabaab North-East against the Puntland authorities in the Golis mountains, noting its concern that it served as a potential safe haven for Al-Shabaab militants fleeing military pressure in southern Somalia, as well as a conduit between Al-Shabaab and Al-Qaida in the Arabian Peninsula (S/2015/801, para. 96).

31. On 24 February 2016, the Monitoring Group conducted a mission to Galgala, 30 km south-west of Bosaso, the previous headquarters of the Golis mountains insurgency before a major offensive by the Puntland authorities that liberated the town in October 2014. Interviews with Puntland military and police commanders stationed there revealed that the strength of the insurgency had shrunk to between 70 and 100 fighters from an estimated 120 to 150 in 2013 (see S/2013/413, annex 1.7).[15] Some 850 members of various arms of the Puntland security architecture — the regular forces, the security forces, the maritime police and the Galgala police — are garrisoned in Galgala and the surrounding area. Owing to their relative disparity in strength and weaponry, Al-Shabaab militants are unable to engage the Puntland forces directly, but continue to target them using improvised explosive devices, in particular along the route to Galgala.[16]

32. A full description of the current strength and leadership of Al-Shabaab North-East in the Golis mountains, as well as the tactical disposition of the Puntland forces, is provided in annex 1.3.

Incursion into Puntland in March 2016 by Al-Shabaab

33. On 13 March 2016, an Al-Shabaab unit, the Khalid ibn al-Walid brigade, consisting of between 350 and 400 fighters, conducted an amphibious incursion into Puntland. Departing from Harardhere district aboard five dhows, the fighters went ashore at two points on the Puntland coast, near the towns of Garacad and Garmaal.

34. The militants did not have vehicles at their disposal, and the Puntland forces descended swiftly on their positions in what the Administration dubbed "Operation Thunder". The militants were swiftly and decisively defeated; according to the official account from the authorities, 208 were killed, mostly during the fighting near Garacad. Subsequent to the clashes, Galmudug Interim Administration forces

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[15] The Puntland Administration's estimate has traditionally been significantly higher, ranging from 250 to 500. As at August 2016, the Administration estimated that the Al-Shabaab North-East members in the entirety of Puntland numbered between 400 and 500, as indicated in a letter from the Office of the President of Puntland to the Monitoring Group, 17 August 2016.

[16] On 25 May 2016, for example, an improvised explosive device struck a Puntland Maritime Police Force vehicle on the way to Galgala, killing two marines and injuring six others. Confidential international agency security report, 29 May 2016.

intercepted Al-Shabaab fighters fleeing to the south, claiming to have killed 115 and captured 110 others.[17]

35. On 10 and 11 May 2016, the Monitoring Group interviewed Al-Shabaab detainees from the operation, held at Garowe prison.[18] On the basis of those interviews and secondary interviews with military, non-governmental organization and naval sources, the Group has assessed that the likely goal of the operation had been to engage and eliminate the ISIL-aligned faction led by Abdulqader Mu'min located in the Bari region.

36. The Khalid ibn al-Walid brigade consisted primarily of rank-and-file fighters, many apparently press-ganged or otherwise coerced into participating, and no known senior Al-Shabaab leaders were present during the operation. Many were children; as at the time of writing, 54 minors captured during the operation were still being held in Garowe prison (see annex 7.2). In addition, the Galmudug Interim Administration reported transferring 44 child prisoners to a reintegration centre supported by the United Nations Children's Fund in Mogadishu.[19]

37. The brigade's incursion into Puntland marked the only major maritime operation by Al-Shabaab in the group's existence. The total destruction of the brigade represented a significant loss in manpower for Al-Shabaab; at up to 400 fighters, it perhaps comprised as much as 5 to 10 per cent of the group's total fighting strength. With at least several hundred militants surrendering to the Puntland and Galmudug authorities, it was also the largest Al-Shabaab surrender in the group's history. Given the failure of the mission, the Monitoring Group assesses it as highly unlikely that Al-Shabaab will attempt another complex amphibious operation in the future.

38. A full account of the brigade's incursion is presented in annex 1.4.

Puntland catch-and-release policy

39. In its final report for 2014, the Monitoring Group described the systematic policy adopted by the Puntland Administration of arresting suspected Al-Shabaab members only to be released, and in some cases where overwhelming evidence had strongly suggested a credible Al-Shabaab link (S/2014/726, annex 1.4, footnote 48).

40. During the current mandate, the Monitoring Group uncovered documentary evidence, corroborated by observations from secondary sources, that the Puntland authorities continue to employ a "catch-and-release" policy, whereby detained individuals are set free, notwithstanding credible evidence of ties to Al-Shabaab. The Group has obtained copies of release orders for seven Al-Shabaab suspects and convicts dated between June 2015 and 16 April 2016, signed by various senior Puntland officials. The Group also has in its possession internal notes from within

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[17] See "Somalia: Galmudug declares that it concluded the fight against Al-Shabaab militia that fled from Puntland areas", press release, AllAfrica, 28 March 2016. Available from http://allafrica.com/stories/201603280382.html.

[18] At the time of the Monitoring Group's visit, 97 Al-Shabaab detainees from the Khalid ibn al-Walid brigade were being held at the prison.

[19] See "Somalia: Galmudug declares that it concluded the fight against Al-Shabaab militia that fled from Puntland areas", press release, AllAfrica, 28 March 2016.

the Puntland Intelligence Agency profiling each individual and outlining his affiliation with Al-Shabaab.

41. According to Puntland officials, the Al-Shabaab convicts had been freed after legitimate court processes and the suspects had been released either owing to a lack of evidence or on account of an amnesty announced by the Puntland President, Abdiweli Mohamed Ali "Gaas" in August 2015.[20]

42. Profiles of these seven individuals and copies of the release orders are provided in annex 1.5 (strictly confidential).

Al-Shabaab as a regional threat

43. Although Al-Shabaab remains a transnational terror threat, in particular to countries contributing troops to AMISOM, the group's success in carrying out regional operations has declined during the current mandate. In particular, Kenya, historically the Member State most vulnerable to Al-Shabaab terror operations, has managed to avoid a major attack on its soil since the massacre of students at Garissa University College on 2 April 2015.

44. An attempt to massacre passengers aboard a bus near Mandera, similar to an attack that Al-Shabaab successfully carried out on 23 November 2013, was largely thwarted when Muslim passengers shielded their non-Muslim counterparts from execution.[21] On 9 July 2016, Al-Shabaab conducted a brazen overnight raid into Kenya, with a reported 100 militants crossing the border and attacking a police station in Diff, Wajir County. Local media reported that a police officer had been wounded as the militants managed to carry off some 10,000 rounds of ammunition and a dozen AK-47 rifles.[22]

45. An Al-Shabaab unit, Jaysh Ayman, has been responsible for a number of deadly improvised explosive device and other attacks against the Kenyan security forces and non-local civilian targets in Lamu County, Kenya.[23] The unit, which consists of several hundred fighters, uses the vast Boni forest area straddling Kenya and Somalia as a base for its operations for staging attacks in the coastal region.[24] In September 2015, the Kenyan authorities launched Operation Linda Boni, a multi-agency security operation in the forest aimed at expelling the unit. There has since been a decrease in the number and frequency of attacks in Lamu and the coastal region, although sporadic attacks continue. Thanks to improved intelligence

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[20] Meetings with the Chief of Staff to the Puntland President, Deeq Yusuf, Nairobi, 2 September 2015, and a Puntland intelligence officer, Garowe, 7 September 2016.

[21] See "Kenyan Muslims shield Christians in Mandera bus attack", BBC News, 21 December 2015. Available from www.bbc.co.uk/news/world-africa-35151967.

[22] See Lucas Barasa and Angira Zadock, "Shabaab militants attack Diff police station in Wajir", *Daily Nation*, 9 July 2016. Available from www.nation.co.ke/counties/Shabaab-militants-attack-Diff-Police-Station-in-Wajir/1107872-3287386-6ufkg7/index.html.

[23] See, for example, "Kenyan soldiers hurt as gunmen ambush convoy in Lamu", *Standard Digital*, 3 January 2016. Available from www.standardmedia.co.ke/article/2000186885/kenyan-soldiers-hurt-as-gunmen-ambush-convoy-in-lamu.

[24] Jaysh Ayman has also attracted a number of foreign fighters, including Tanzanian and European nationals. British national Thomas Evans — who was killed during a battle with the Kenyan military in Lamu County on 12 June 2015 — and German national Andreas Martin Muller, also known as Abu Nusaybah, are prominent foreign fighters in Jaysh Ayman.

collection and proactive counter-terrorism operations, the Kenyan security agencies have disrupted planned attacks by Al-Shabaab in the coastal cities of Mombasa and Kilifi in 2016, with planned targets including the Likoni ferry, a popular nightclub and a police station.[25] A number of recent cases indicate that Al-Shabaab operatives, in particular Tanzanian nationals, continue to use Kenya as a route for travelling to Somalia, with Kenyan security agencies arresting several suspects.[26]

46. Other countries contributing troops to AMISOM, including Djibouti and Ethiopia, which have both faced credible threats from Al-Shabaab over the past two years, have also managed to avoid terror operations on their home fronts during the current mandate. The Monitoring Group does not, however, assess the regional threat posed by Al-Shabaab to be diminished, given that it remains one of the group's primary aims to evict AMISOM forces from Somalia, which it views as illegitimately occupying Muslim lands.

Mohamed Abukar Zubeyr

47. In its final report for 2014, the Monitoring Group incorrectly reported that an individual by the name of Mohamed Abukar Zubeyr had carried out a suicide bombing attributed to Al-Shabaab at the Bosaso central police station on 4 August 2014 (S/2014/726, annex 1.4, para. 22). Annex 1.7 contains a correction regarding the incident.

B. Security sector

48. In its final report for 2015 (S/2015/801, annex 3), the Monitoring Group raised concerns about widespread misappropriation within (SNA). Following discussions between the Group and the Federal Government early in September 2015, the President, Hassan Sheikh Mohamud, announced his commitment to substantive security sector reform.[27] While certain actors, including the Minister of Finance and the newly appointed Chief of the Defence Forces, Major General Mohamed Aden Ahmed, made apparent efforts during the current mandate to address the problem, corruption among senior officers and in particular within the SNA Logistics Department persists.

49. The Monitoring Group has found evidence indicating the misappropriation of funds allocated to salaries and running costs of SNA, as well as funds accrued through the initiation of a flawed identity card system (see annexes 2.2 and 2.3). At the time of writing, notwithstanding the President's commitment of 9 September

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[25] See Alloys Musyoka and Brian Otieno, "Police foil two attacks in Kilifi and Mombasa, *Star*, 2 January 2016. Available from www.the-star.co.ke/news/2016/01/02/police-foil-two-attacks-in-kilifi-and-mombasa_c1268590.

[26] See, for example, Abdimalik Hajir, "Police in Garissa arrest 6 Tanzanians heading to Somalia, recover weapons", *Daily Nation*, 25 August 2015. Available from www.nation.co.ke/counties/Tanzanians-arrested-Garissa/1107872-2845738-3oqjmwz/index.html. The Monitoring Group also obtained a confidential Kenyan police report detailing the arrest of six suspects in Mtwapa, north of Mombasa, on 16 September 2015 while attempting to join Al-Shabaab in Somalia.

[27] See Office of the President of Somalia, Directorate of Communications, "The President: We are committed to substantive security sector reform", newsletter, 9 September 2015. Available from https://madmimi.com/s/b368a6.

2015 that tenders for logistical supplies for SNA would be sought, a company with close ties to the Head of Logistics, Brigadier General Abdullahi Moalim Nur, maintains a lucrative contract to distribute rations and cash on behalf of SNA, much of which is likely being misappropriated. On 10 September 2016, following further discussions between the Group and the Federal Government on the matter, an invitation to tender for the contract was finally released through the website of the Ministry of Finance (see annex 2.4).

50. As a result of the continuing lack of salary payments to soldiers, in part also the result of continuing budget crises, the current mandate has been marked by an increase in the number of military withdrawals from strategic positions throughout southern and central Somalia and the subsequent return of Al-Shabaab, albeit temporarily in many cases.[28] The extent of extortion, especially in the form of illegal roadblocks, by unpaid or underpaid troops has similarly increased, compounding the impact on civilians and further eroding faith in fledgling government institutions (see annex 2.6).

51. The clan-based composition of most SNA units continues to compromise their impartiality, especially in districts with complex intercommunal relations. In its final report for 2015 (S/2015/801, annex 6), the Monitoring Group documented opportunistic alliances made by particular units with regional clan militias and/or Al-Shabaab during periods of conflict. During the current mandate, the Group has received multiple reports, from the Lower Shabelle, Hiran and Mudug regions, of similar incidents in which elements of SNA have perpetuated rather than prevented local conflicts (see annex 7.5).

52. The process of integration of regional forces into SNA has been slow and poorly managed. Up to 1,350 troops in Kismayo, Lower Juba, were officially integrated during the previous mandate but remain, at the time of writing, equipped with only 100 weapons by the Federal Government and are therefore unlikely to be able to participate in the forthcoming Juba Valley offensive. Impetus for the integration process from the Federal Government has been lacking, amid accusations that weapon deliveries are reaching only units from particular clans.[29]

53. Without the current level of international support to the security sector, SNA would probably collapse. Nonetheless, and notwithstanding some efforts to address the problem, the Monitoring Group has found during the current mandate that international support for SNA lacks coordination. Evidence collected by the Group further suggests extensive misappropriation of food rations supplied to SNA in bulk by certain donors. Lastly, the Group is concerned that, without due consideration regarding clan composition, combined with efforts to ensure sufficient oversight of troops, training programmes may be inadvertently contributing to potential threats to peace and security (see annex 2.5).

54. The Monitoring Group is concerned that, without substantive reform and careful consideration given to its overarching structure and composition, SNA could

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[28] The Ministry of Finance readily acknowledges that many troops are owed back payments for several months, prompted by unrealistic budget forecasts in previous years. The withdrawal of AMISOM from strategic positions throughout southern and central Somalia is equally concerning.

[29] Interviews with security sector support staff in Kismayo and Nairobi, April and September 2016.

itself present a threat to peace, security and stability in Somalia. Further details of the Group's findings on SNA during the current mandate are contained in annex 2.

Puntland security sector

55. The Monitoring Group notes with concern the ongoing difficulties faced by the Puntland Administration in paying the salaries of its security forces. The current mandate has seen protests by Puntland soldiers over unpaid salaries, as well as a threat by the head of the Puntland Defence Forces to resign if the military and police continued to go unpaid.[30] Of even greater concern was the Administration's response to the budgetary crisis, which has been to pay both its security forces and civil servants in newly printed counterfeit currency, causing destabilizing inflation both inside and outside the region (see annex 4.1).

56. Partially in order to relieve the financial burden of the Puntland Administration, an agreement was reached with the Federal Government in April 2015 to bring 3,000 Puntland military personnel under the umbrella of SNA. The implementation of this agreement has been slow, however.[31] The additional security challenges that Puntland has faced during the current mandate, including an amphibious incursion by Al-Shabaab in March 2016 (see annex 1.5) and an insurgency by a former governor (see annex 8.10), make expediting this integration project even more imperative.

C. Spoiler politics

57. In its report for 2015 (S/2015/801), the Monitoring Group demonstrated how the resurgent threat posed by Al-Shabaab and intercommunal conflict was increasingly tied to the inability of political actors to foster reconciliation through an inclusive and transparent political process that addressed corruption. During the current mandate, the capture and securing of political resources have largely continued to take precedence over the establishment of effective forms of governance and interregional and intraregional reconciliation efforts.

58. Having made no progress in determining a common border between their territories, relations between Puntland and the Galmudug Interim Administration remain tense. On 22 November 2015, the construction of a road near to the Galkayo "green line" dividing the city prompted the rapid mobilization of forces on both sides and a brief but intensely violent period of conflict, resulting in some 20 deaths and 120 injuries, and the temporary displacement of an estimated 90,000 people from the area (see annex 7.4, paras. 39-43).

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[30] See "Somalia: Puntland soldiers stage protest over unpaid salaries", Garowe Online, 11 June 2016, available from www.garoweonline.com/en/news/puntland/somalia-puntland-soldiers-stage-protest-over-unpaid-salaries; and "Puntland army chief threatens to resign if the forces are not paid", Goobjoog News, 28 September 2015, available from http://goobjoog.com/english/?p=20011.

[31] The Monitoring Group understands that 600 of the 3,000 slots have been reserved for the Puntland security services, an elite United States-trained unit stationed in Bosaso. The remaining 2,400 slots are to be filled by Puntland regular forces, who are currently undergoing a vetting process; Monitoring Group interview with the Chief of Staff to the President of Puntland, Deeq Yusuf, Nairobi, 2 September 2016.

59. The Galmudug Interim Administration continues to face at times violent opposition from the northern Galgadud faction of Ahl al-Sunna wal-Jama'a, which maintains control of the capital, Dhusamareeb, and the surrounding area. Attempts to negotiate a political settlement between the two sides after outbreaks of conflict in September 2015 and again in March 2016 ultimately failed. The Ahl al-Sunna wal-Jama'a faction, which was actively involved in the Garowe Principles agreements in 2011 and 2012 that led to the establishment of the first non-transitional Government in Somalia since the collapse of the State in 1991, has actively pulled away from the federal transition process in 2016, having been excluded from negotiations among regional leaders.

60. The Interim South-West Administration has consolidated power in Baidoa, but the city remains largely isolated from the rest of the region, and the Administration has little, if any, grip on the endemic conflict in the Lower Shabelle region (see annex 7.6, para. 58). The failure to satisfactorily assimilate Aulihan (Ogaden/Darod) communities into the newly established regional assembly resulted in the declaration of an independent "Upper Bakool" state. Attempts by an Intergovernmental Authority on Development delegation led by Mohamed Abdi Affey to repair relations in August 2016 were unsuccessful, and the breakaway region continues to assert its independence, albeit likely only in an attempt to eventually secure greater representation in the Interim South-West Administration.

61. The Ogaden (Darod)-dominated Interim Jubba Administration made tangible progress in incorporating Marehan (Darod) representatives into its newly established regional assembly and cabinet of ministers following a relatively successful reconciliation process in March 2015. It remains, however, the only aspiring federal member state Administration with an entire region — Middle Juba — still, as at the time of writing, firmly under the control of Al-Shabaab. Overly reliant on diminishing funds from the illicit trade in charcoal to maintain political stability and pay its regional Ras Kamboni security forces, the Administration may soon face increasing challenges in Kismayo, one of the country's historically most contested cities, if it cannot diversify its revenue portfolio or secure greater external support.[32]

62. The process to establish the final remaining regional administration, incorporating the Hiran and Middle Shabelle regions, was continuing at the time of writing, even though it began during the Monitoring Group's previous mandate. Contestation between the dominant clans in the region over the location of the state formation conference, and which clan would assume the presidency of the new administration, led to the withdrawal of various stakeholders from the process and repeated delays. As with the formation of the Galmudug Interim Administration, the Group received multiple reports of attempts by the Federal Government to manipulate the process. At the time of writing, notwithstanding attempts to restart the conference in Jowhar, reports suggest that elders from the Hiran region will continue to push to postpone further developments until the federal transition process is complete (see annex 3.1).

63. Having largely ignored the 2016 transition period throughout the first three years of its term, the Federal Government finally openly acknowledged that "one

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[32] See section VI below for more information on the local charcoal economy.

person, one vote" democratic elections would not be possible in October 2016. Transition negotiations over the following year were subsequently dominated by the leaders of the Federal Government and existing regional administrations, not including Somaliland, in the newly established National Leadership Forum as political space grew increasingly constricted.

64. Civil society was largely excluded from the process, and opposition groups frequently reported attempts to stymie political debate. The Monitoring Group received reports indicating that media networks were either threatened against reporting negatively on the process, or paid to back incumbent leaders in their campaign.[33] With the controversial readoption of the "4.5 model" for selecting the lower house of Parliament, the Group also received multiple reports of attempts to manipulate the list of 135 "clan elders" tasked with initiating this process. The Group is concerned that the threat of intercommunal conflict will grow, as more communities withdraw from the broader state-building project, if the transition process is widely perceived to be illegitimate and especially if a member of the National Leadership Forum also goes on to win the election (see annex 3.2).

D. Public financial management and misappropriation

Public financial management

65. An unequal distribution of resources, corruption and the Federal Government's inability to raise revenue in order to provide basic security underpin continuing instability in Somalia. The initiatives taken by the Central Bank of Somalia to formalize and regulate the economy have produced modest results but have not prevented the economy from drifting even further from the global financial market. With the national debt exceeding the gross domestic product and the Federal Government struggling with the inefficiency of its fiscal institutions, Somalia remains one of the poorest countries, and the most corrupt, in the world.[34] The six commercial banks licensed by the Central Bank operate only in urban areas, even though the granting of such licences is predicated on the banks' willingness to operate in rural areas.[35] The Governor of the Central Bank sees the banks' inability to provide business loans as the most significant obstacle hindering economic growth in Somalia.[36]

66. The Somali economy remains largely cash-based, and all major transactions are performed in United States dollars. The last Somali shilling notes were printed in 1990 and the vast majority currently in circulation are counterfeit. Nevertheless, the exchange rate has remained surprisingly stable, at around So.Sh 23,400 to 23,600

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[33] Interviews with presidential candidates and members of the federal indirect electoral implementation team in Nairobi and Mogadishu, July and August 2016.

[34] Gross domestic product: $5.4 billion; national debt: $5.6 billion. Statistics Division (2014): 191st poorest of 191 countries. World Bank Group (2015): 172/183. Remittances not showing in the statistics adjust the per capita income by 20-40 per cent. Somalia and the Democratic People's Republic of Korea both scored 8/100 on the Corruption Perceptions Index 2015 by Transparency International.

[35] They are the Amal Bank Group, Dahabshiil Bank International, the International Bank of Somalia, the Salaam Somali Bank, Premiere Bank and TrustAfrica.

[36] Interview with the Governor of the Central Bank, Bashir Issa Ali, Nairobi, May 2016.

per $1. Early in May 2016, however, violent demonstrations against soaring commodity prices were held in Garowe and Bosaso. Local inflation was prompted by the printing of money using a printing machine located in the State Bank of Puntland in Bosaso to cover the salary arrears of civil servants and the security forces. The exchange rate subsequently rose to So.Sh 30,000 per $1 in May. The protests subsided after local authorities introduced fixed exchange rates[37] (see annex 4.1).

67. Counterfeit United States dollars in circulation continue to undermine financial stability in Somalia. Although the quality of the counterfeit money remains poor, it has been successfully exploited in various criminal activities. In August 2016, the branch manager and a teller of the Central Bank succeeded in embezzling $530,000 from the vault by replacing the genuine $100 bills stored there with counterfeit ones (see annex 4.2).

68. In May 2016 in Kampala, representatives of the Central Bank of Somalia and the International Monetary Fund began negotiations on currency reform of the Somali shilling. Although the Monitoring Group acknowledges the efforts made by the Central Bank and the potential benefits of the currency reform in promoting and formalizing the Somali economy, the published schedule indicating the printing of new currency beginning early in 2017 appears overly ambitious.[38] The Fund has declared that it will not support the process financially, which would leave it up to the Federal Government to cover the cost of the reform, which is estimated to reach $45 million.[39]

69. The Somali diaspora sent at least $1.2 billion to Somalia through hawala remittance companies in 2015.[40] The Monitoring Group conducted numerous interviews of hawaladars during the current mandate to assess the compliance and monitoring tool used.[41] Remittances remain a crucial lifeline for many Somalis, especially for people living in rural areas. Nevertheless, the lack of impetus of hawala companies and agents to implement monitoring systems and basic due diligence measures, in contrast with the additional measures taken by international regulators, has led many international banks to close hawala accounts. Following sustained campaigns to keep remittances flowing, certain banks have agreed to continue to engage with various hawala companies.

70. The interviews and investigations conducted by the Monitoring Group have revealed gaps in the ability of the Somali authorities to implement the asset freeze against sanctioned individuals and entities. The hawala agents either do not possess adequate monitoring tools or simply choose not to use them. Another severe flaw is that the hawaladars paying out the remittances in Somalia do not know their

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[37] Buying at So.Sh 23,600 per $1 and selling at So.Sh 23,400 per $1.

[38] See Felix Njini, "Somalia intends to print its own currency by early next year", Bloomberg, 27 May 2016. Available from www.bloomberg.com/news/articles/2016-05-27/somalia-intends-to-print-its-own-currency-by-early-next-year.

[39] Interviews conducted with the representatives of the Federal Government, Nairobi, 13 August 2016.

[40] See World Bank Group, "Somalia economic update: October 2015". Available from www.worldbank.org/content/dam/Worldbank/document/Africa/Somalia/somalia-economic-update-october-2015.pdf.

[41] Interviews conducted between February and June 2016 in Dubai, Mogadishu, Helsinki, London, Minnesota (United States) and Stockholm.

customers. They might ask for identification, but pay out the remittance nonetheless, regardless of the name, to the holder of the mobile phone number mentioned by the sender. Owing to spelling variations in individuals' names and the lack of verifiable identification documents, most transactions are based on beneficiaries' telephone numbers alone. The Group assesses this to have a major negative impact on the implementation of the asset freeze imposed by the Security Council.[42]

71. The financial intelligence unit of Somalia, Financial Reports Centre, was founded early in 2016. The new unit, consisting of two employees, is an independent organ working on the premises of the Central Bank. Its tasks are defined in the Anti-Money-Laundering and Countering the Financing of Terrorism Act signed by the President in May 2016. The new legislation has been designed to meet most of the requirements of the Financial Action Task Force.[43] In addition, it contains articles on currency reporting at national borders, asset freezing and the establishment of a financial intelligence unit and a national anti-money-laundering and countering the financing of terrorism committee. Although the new legislation and the establishment of the Centre are positive developments, the Monitoring Group is concerned that the implementation of the new legislation is likely to face multiple challenges. These include a lack of resources and institutional capacity, the absence of international cooperation networks and a potential lack of compliance by the prospective reporting entities, such as hawala and other informal money or value transfer services. The Group is further concerned by the adjustment made in the final version of the legislation, nominating the Minister of Finance as the Chairperson of the Anti-Money-Laundering and Countering the Financing of Terrorism Committee in place of the Governor of the Central Bank, given the clear conflict of interest with the Ministry of Finance being one of the reporting entities.

Public contracts and concessions

72. The new public procurement, concessions and disposal bill was signed by the President in August 2016, creating new public institutions with the objective of improving transparency. According to pre-existing regulations, any contract in excess of $5 million should be publicly disclosed, approved by the Interim National Procurement Board and submitted for review to the Financial Governance Committee. The Monitoring Group found new public contracts where these principles did not apply.

73. The Monitoring Group is aware that the Minister of Finance, Mohamed Aden Ibrahim, signed an agreement on 15 September 2015 with Smart Company for Public Services (SMART) for the concession of road tax collection in Somalia. In April 2016, he opened an account at the Salaam Bank to collect the taxes generated

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[42] While the Committee's sanctions list identifiers include name and nom de guerre, the entries lack sufficient identifiers necessary to efficiently implement the asset-freeze measures against the person intended. Moreover, the remittance companies and mobile money service providers are not taking sufficient measures to comply with the asset-freeze measures.

[43] Intergovernmental body tasked with setting standards and promoting the effective implementation of legal, regulatory and operational measures for combating money-laundering and terrorist financing. Somalia is not a member of the Financial Action Task Force or its subsidiary, the Eastern and Southern Africa Anti-Money-Laundering Group.

by SMART, although, under Somali legislation, all such revenue should be routed to the Central Bank. When the Auditor General, Nur Farah Jimale, became involved, Ibrahim authorized SMART to collect taxes directly through its agents (see annex 4.3, figs. 1, 2, 4 and 6).

74. On 22 July 2016, Ibrahim issued a letter allowing Modern Technologies Inc. to directly collect taxes. The contract was signed on behalf of the company by Mohamed Hersi Farah, or "Suldan" (see ibid., figs. 7-8).

75. The Monitoring Group is also concerned at the opacity of public contracts between the Federal Government and two Turkish companies responsible for running the port of Mogadishu and Aden Adde International Airport. The contract for running the port that was renegotiated in March 2016 by the Minister of Finance and Albayrak Turizm Insaat Ticaret A.S. raises questions regarding effective revenue generation for the Federal Government (see ibid., fig. 14).[44] The contract for the management of the airport between the Federal Government and Favori LLC appears to be another example of an insufficiently technical contract being exploited by a private firm.[45]

76. See annex 4.4 for information on an aborted contract between the Federal Government and Chinook Urban Mining International.

Telecommunications sector

77. The competitive telecommunications market is dominated by Hormuud Telecom, which operates in southern and central Somalia.[46] Hormuud has a 45 per cent market share in Somalia, with more than 6,000 employees and in excess of 5,000 shareholders. It also participates in a consortium operating in Somaliland and Puntland.

78. The improper regulation of telecommunications companies, including money transfer service providers, may constitute a threat to peace and security in Somalia. Al-Shabaab operatives have been paid mainly through Hormuud's EVC-PLUS money transfer service.[47] According to sources in the Federal Government, Hormuud does not cooperate with regard to sharing data on money transfer records (see annex 4.5).

Public land appropriation

79. The Monitoring Group has documented multiple instances of appropriation of public land for private sale in Mogadishu between 2014 and 2016. Public land historically held by various ministries has been distributed for private ownership by the Banadir Regional Administration, at least since Hassan Mohamed Hussein "Mungaab" assumed office as Governor of the region in February 2014. He is

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[44] The contract allows the company to deduct $60,000 per month for security, even though security at the port is provided by Somali law enforcement agencies.

[45] The Financial Governance Committee recommended the renegotiation of the agreement on several occasions; the Federal Parliament officially objected to the process of selection of the contractor on 27 May 2014, but the Federal Government failed to follow these recommendations.

[46] Hormuud was sanctioned in 2012 by the United States Office of Foreign Assets Control. Its major shareholder, Nur Jim'ale, was sanctioned by the United Nations owing to alleged connections to Al-Shabaab. Both sanctions were lifted in 2014.

[47] Interviews with detained members of Al-Shabaab, Mogadishu, February 2016.

widely reported to have profited directly from the reallocation of public land to private status during his tenure at the Administration.[48]

80. On 28 July 2016, the Prime Minister, Omar Abdirashid Ali Sharmarke, issued a decree to establish the Protection of Public Properties Committee, mandated to collect data on property currently owned by Cabinet ministries and subordinate agencies and on public land that had been unlawfully appropriated. In the decree, sent to all Cabinet ministers, the Attorney General, the Speaker and the Office of the President, all Cabinet ministries and subordinate agencies were ordered to cease authorizing the sale or lease of public land unless the terms had been reviewed by the Office of the Prime Minister and approved by the Cabinet.[49]

81. See annex 4.6 for further information and evidence collected on public land appropriation in Mogadishu.

E. Natural resources

82. The exploitation of natural resources continues to pose risks to peace and security in Somalia. In its previous report, the Monitoring Group expressed concern at an increase in intercommunal conflict over access to land and water across regions (S/2015/801, paras. 30-32). This remains a risk, especially in southern Somalia because refugee repatriation following the decision by the Kenyan authorities to close the Dadaab refugee camp could increase the pressure on scarce resources. With regard to conflict financing, Al-Shabaab has become increasingly reliant on income from taxing the illicit sugar trade, agriculture and livestock, especially when factoring in reduced income from charcoal. In terms of natural resource governance, while there has been progress in the oil and gas sector, an adequate regulatory framework and implementing institutions have yet to be established. Lastly, there is a continuing dispute between Kenya and Somalia over their maritime border, where the rights to considerable oil and gas reserves could be at stake. How the dispute is resolved could have significant implications for relations between Kenya and Somalia, thus also affecting peace and security in the region.

Al-Shabaab financing

83. Reliance by Al-Shabaab on revenue from taxing the illicit sugar trade, agricultural production and livestock has increased during the current mandate, in particular as revenue from charcoal has declined. Previously, the Monitoring Group estimated that Al-Shabaab derived income from checkpoints in southern Somalia, taxing the illicit sugar trade from the port of Kismayo into Kenya at the rate of $1,000 per truck, while new information suggests that Al-Shabaab has since increased its tax on large civilian trucks in Lower Juba to $1,500 per truck (see

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[48] Interviews with former staff of the Banadir Regional Administration, current and past officials of the Federal Government and international agency staff, Mogadishu and Nairobi, between December 2015 and August 2016. On 11 August 2016, "Mungaab" was formally appointed as Minister of Justice.

[49] The Federal Government sent a copy of the decree to the Monitoring Group, which is on file with the Secretariat.

S/2015/801, paras. 93-94).[50] One estimate claims that the volume of illicit sugar trade may be as much as 230 trucks per week.[51] This could equal as much as $12 million-$18 million in revenue per year for Al-Shabaab. In its previous report, the Group cited an estimate by the National Intelligence and Security Agency that Al-Shabaab earned $9.5 million from taxing agricultural production in the Juba Valley (see S/2015/801, footnote 56). Meanwhile, livestock accounted for 40 per cent of the Somali gross domestic product and $384 million in exports in 2015, thus representing a probable source of substantial revenue generation for Al-Shabaab.[52] Nevertheless, there have been numerous incidents in which local resistance to the increasingly aggressive collection of taxes on livestock by Al-Shabaab in Middle Shabelle, Galgadud and Mudug has led to armed conflict with civilians and clan militias, which also suggests that the group's ability to coerce revenue from local people has its limits.[53]

Natural resource governance: oil

84. In a meeting with the Monitoring Group on 2 February 2016, the Ministry of Petroleum and Mineral Resources identified three core priorities for 2016: reaching a natural resource revenue-sharing agreement between the Federal Government and the regions, developing a model production-sharing agreement and compiling a central registry of concessions in Somalia dating to the pre-1991 force majeure claims. With the assistance of the World Bank and the African Legal Support Facility of the African Development Bank, a new model production-sharing agreement has been completed and sent for confidential review by the Financial Governance Committee, which was continuing at the time of writing. While a comprehensive revenue-sharing agreement has not been established, the Federal Government has reached bilateral revenue-sharing agreements on oil with the Galmudug Interim Administration and the Interim South-West Administration, but not the Interim Jubba Administration or Puntland.[54] There has been little progress in establishing a central registry of oil concessions.

Federal Government-regional relations

85. One potential source of contention within the Somali oil industry concerns a lack of clarity between the Federal Government and the regions on revenue sharing

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[50] E-mail communication from a United Nations staff member, 1 June 2016.

[51] See Journalists for Justice, "Black and white: Kenya's criminal racket in Somalia" (Nairobi, 2015). Available from www.jfjustice.net/downloads/1457660562.pdf.

[52] See Food and Agriculture Organization of the United Nations, "Somalia exports 5.3 million animals, 6 per cent growth in 2015", 14 April 2016. Available from www.fao.org/somalia/news/detail-events/en/c/410266/.

[53] See Cedric Barnes, "Somalia's Al-Shabaab down but far from out", 27 June 2016, available from http://blog.crisisgroup.org/africa/somalia/2016/06/27/somalias-al-shabaab-down-but-far-from-out/; "Minister: 22 killed as residents, Al-Shabaab clash over Zakah", Shabelle News, 22 February 2016, available from www.shabellenews.com; and "Locals clash with Al-Shabaab over alms collection, 4 people killed", Goobjoog News, 11 May 2016, available from http://goobjoog.com.

[54] In a reply to a letter from the Monitoring Group dated 22 August 2016 (S/AC.29/2016/SEMG/OC.82), the Ministry of Petroleum and Mineral Resources shared with the Group the texts of the revenue-sharing agreements on oil with the Galmudug Interim Administration and the Interim South-West Administration.

and development rights. A contract for offshore seismic surveying between the Federal Government and Spectrum ASA was signed on 5 September 2015 (see annex 5.1).[55] Both the Interim Jubba Administration and Puntland, which have not reached a revenue-sharing agreement on oil with the Federal Government, strongly objected to the agreement. In a letter to the Executive Vice-President of Spectrum, Graham Mayhew, dated 24 December 2015, the Acting Director General of the Jubbaland Petroleum Agency, Abdi A. Raghe, states that seismic operations in the absence of Interim Jubba Administration authorization would be "met with severe consequences, which include seizure of seismic vessels and detention of personnel".[56] Similarly, the Director General of the Puntland Petroleum and Mineral Agency, Issa Mohamud Farah, warned in a press statement of 18 February 2016 that "Puntland security forces would board any vessel from these companies that illegally enter Puntland waters and will subsequently arrest the crew on-board these vessels". In part, these disputes stem from ambiguity regarding the allocation of rights and obligations for natural resource development, including unreconciled contradictions between the Petroleum Law (2008) and the Provisional Constitution of 2012.

Soma Oil & Gas Holdings Limited

86. During its previous mandate, the Monitoring Group undertook an extensive investigation of Soma Oil & Gas Holdings Limited (Soma) with regard to corruption and undermining State institutions through pay-offs channelled through a capacity-building programme for the Ministry of Petroleum and Mineral Resources (see S/2015/801, paras. 48-51 and annex 2.5). Initially based on evidence provided by the Group, the Serious Fraud Office in the United Kingdom opened a case against Soma regarding allegations of corruption in Somalia on 31 July 2015. On 17 August 2016, Soma lost an expedited judicial review of the investigation that it had requested. Soma had sought to have the investigation terminated on the basis of an "existential threat to its existence" owing to the risk of insolvency before the investigation concluded. During the judicial review, the Office revealed that since December 2015 it had also been investigating Soma for "serious criminality" beyond the capacity-building programme.[57]

87. Meanwhile, from 25 to 28 July 2016, Soma and the Ministry of Petroleum and Mineral Resources held initial negotiations in Nairobi regarding a contract covering production-sharing agreements for the exploration and development of at least eight blocks. On 22 August, the Monitoring Group wrote to the Ministry to express concern that the regulatory framework and implementing institutions necessary for oil exploration and development had not been established. There remained a need to finalize the model production-sharing agreement, reconcile the Petroleum Law and the Provisional Federal Constitution, reach a comprehensive revenue-sharing

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[55] See also Spectrum, "Spectrum signs seismic data agreement to kick-start oil exploration offshore Somalia", 7 September 2015. Available from www.spectrumgeo.com/press-release/ground-breaking-seismic-data-agreement-to-kick-start-oil-exploration-offshore-somalia.

[56] A copy of the letter is available from http:/jubalandtv.com/wp-content/uploads/2015/12/Protest-Letter-to-Spectrum-.pdf%20 (accessed 16 September 2016).

[57] See Suzi Ring, "Soma loses U.K. court bid to force SFO to end bribery probe", Bloomberg, 17 August 2016. Available from www.bloomberg.com/news/articles/2016-08-17/soma-loses-u-k-court-bid-to-force-sfo-to-end-corruption-probe.

agreement and create functional institutions, in particular a petroleum authority, that would be responsible for implementing production-sharing agreements. The Group also expressed concern that Soma remained the subject of an ongoing criminal investigation (see S/AC.29/2016/SEMG/OC.82). In a response received on 26 August, the Ministry acknowledged that it currently lacked the technical capacity, such as a petroleum economist and a contract negotiator, to negotiate oil exploration and development contracts and stated that it had requested further assistance from the World Bank. On 5 September, the President issued a presidential decree in which he stipulated that no new contracts would be agreed upon by the Federal Government until after the upcoming elections, effectively postponing further negotiation with Soma.

Kenya-Somalia maritime dispute

88. As previously noted by the Monitoring Group in its report for 2013, a disputed maritime border between Kenya and Somalia could have significant implications for regional peace and security. The disputed area covers a triangle-shaped territory in the Indian Ocean of about 100,000 km^2 with considerable potential for commercial quantities of oil and gas reserves. Kenya contends that the maritime border should extend parallel to the line of latitude (located between 1 and 2 degrees south), while Somalia contends that it should extend from the coast in a south-easterly direction as a continuation of the land border. Kenya cites a memorandum of understanding between the two countries supporting its position, which was signed in April 2009 by the Transitional Federal Government. However, the Somali Parliament failed to ratify it and it was termed "non-actionable" by the United Nations in March 2010. In 2012, Kenya licensed offshore exploration in the contested territory to international oil companies such as the Anadarko Petroleum Corporation, Total and Eni (see S/2013/413, annex 5.5, paras. 27-30, and annex 5.5.k).

89. Following an apparent failure of diplomatic negotiations to resolve the maritime dispute, including objections on the part of the Federal Government to the issuance by Kenya of exploration licences within the disputed territory, Somalia brought a case to the International Court of Justice on 28 August 2014. Preliminary objections were raised by Kenya on 7 October 2015. In a statement, the Attorney General explicitly linked the case regarding the maritime dispute to other bilateral issues. He stated: "Kenya's soldiers have fought Al-Shabaab. Kenyan citizens have been victims of terrorist attacks. Kenya has also been hosting over half a million Somali refugees for almost 25 years. The least Kenya can expect from Somalia is that it will honour its bilateral agreements."[58] A public hearing has been scheduled at the Court from 19 to 23 September 2016.

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[58] See Koome Kimonye, "Kenya challenges Somalia's case on Indian Ocean boundary", 7 October 2015, available from https://citizentv.co.ke/news/kenya-challenges-somalias-case-on-indian-ocean-boundaries-102623/; and Olive Burrows, "Somalia thankless, AG says over maritime boundary row", 8 October 2015, available from www.capitalfm.co.ke/news/2015/10/somalia-thankless-ag-says-over-maritime-boundary-row/.

III. Obstruction of humanitarian assistance

A. Humanitarian access[59]

90. In paragraph 22 of its resolution 2244 (2015), the Security Council reiterated its demand that all parties allow and facilitate full, safe and unhindered access for the timely delivery of aid to persons in need across Somalia. Nevertheless, by the beginning of 2016, humanitarian partners still faced severe challenges with regard to physical access to 28 districts in southern and central Somalia.[60] Al-Shabaab created the main obstacles through its economic blockades, especially in Bakool, Bay, Gedo and Hiran, besieging towns and areas controlled by anti-Al-Shabaab forces and preventing the movement of goods and people, including humanitarian personnel and supplies.[61] Other State and non-State armed actors also contributed to the challenges, with main supply routes increasingly impassable owing to a proliferation of illegal checkpoints facilitated by a fragmented security sector, overlapping claims of authority and weak command and control (see annex 6.1).

91. As reported by the Monitoring Group in 2015, bureaucratic obstacles amounting to humanitarian obstruction continued to be experienced across the country at all levels of authority, exacerbated by the inability of the Federal Government to exert centralized control over the regulation of humanitarian operations at the regional and district levels (see S/2015/801, annex 5.2, and annex 6.1 to the present report). The number of incidents involving the imposition of these impediments rose during the current mandate as a result of the expanding range of actors, including security agencies, that sought to assert authority over all aspects of humanitarian operations. This caused delays and interruptions in the delivery of assistance and in some locations prevented access entirely.

B. Attacks on humanitarian workers

92. Attacks on humanitarian workers in Somalia doubled between 2014 and 2015, with 17 killed.[62] During the current mandate, however, there was a reduction in the overall number of humanitarian workers who lost their lives directly as a result of their engagement in humanitarian operations, owing to the absence of a single high-casualty attack.[63] Nevertheless, there was an absolute rise in the number of security incidents affecting humanitarian workers since the previous mandate, heightening the danger for humanitarian operations overall.[64] The general increase in the

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[59] Denial of humanitarian access blocks the free passage or timely delivery of humanitarian assistance to persons in need and includes deliberate attacks against humanitarian workers.

[60] See humanitarian bulletin on Somalia issued on 28 July 2016 by the Office for the Coordination of Humanitarian Affairs. There are 90 administrative districts in Somalia.

[61] Interview with the Governor of Bay region, Baidoa, 3 March 2016; interviews with humanitarian workers, Mogadishu, March to August 2016. See discussion in annex 6.1.

[62] E-mail from United Nations staff member, 29 January 2016.

[63] On 20 April 2015, six people were killed when a person-borne improvised explosive device was used to attack a minibus belonging to the United Nations Children's Fund in Garowe.

[64] According to the United Nations, there were more than 80 security incidents affecting humanitarian workers recorded in the first half of 2016, including the death of 5, injury of 8, arrest of 10, abduction of 3 and physical assault of 5 persons. See the humanitarian bulletin on Somalia issued on 28 July 2016 by the Office for the Coordination of Humanitarian Affairs.

intensity of armed violence against civilians also affected humanitarian workers (see annex 6.2). Although they faced daily attacks, threats and harassment from all the parties to the conflict and political and government actors, most attacks against humanitarian workers conducted with deadly intent and outcome were carried out by Al-Shabaab.

C. Diversion and misappropriation of humanitarian aid

93. An increasing range of actors, especially at the regional level, sought to manipulate humanitarian action and actors for political or economic gain, necessitating constant negotiation. Once again, the Monitoring Group received information during the current mandate on the diversion of humanitarian aid by actors at all parts of the distribution cycle, from donor gatekeepers to contractor middlemen to official authorities and local leaders. In some places, a small network of individuals, or even one individual, so tightly controlled humanitarian operations through a monopoly on political power, finances and the use of force that it constituted in many respects a criminal cartel.[65] There were some indications that the electoral process, involving higher-stakes negotiation around power and resources, spurred efforts to misappropriate humanitarian aid, especially in terms of how regional authorities interacted with the humanitarian community. The distribution of bilateral aid, for example, continued to be particularly vulnerable to manipulation (see annex 6.3).

94. At the same time, United Nations and non-governmental organization entities further enhanced methods for monitoring aid distribution, from call centres to satellite imaging to electronic file assessment and biometric beneficiary registration and the addition of new layers of compliance requirements.[66] As part of this, efforts were made to examine the Somali humanitarian aid system as a whole — in its social, cultural and political economy elements — which has made diversion such an intrinsic element of the business model.[67] Strides were also made by some United Nations agencies in tackling the very difficult challenge of what to do once fraud has been discovered (see ibid.).[68] Nevertheless, those intent on diversion were highly adaptable: elements of the new risk monitoring mechanisms were themselves captured and used for misappropriation (see ibid.). The little change in the overall risk environment notwithstanding, therefore, it was disappointing that United

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[65] See discussion of the cartel operating in Dolow in annex 7.8. Jowhar and Belet Weyne are the sites of similar networks, but Dolow has been one of the most cohesive and powerful in terms of both the thoroughness of the control and capacity to enforce it through the use of violence.

[66] In February 2015, for example, the World Food Programme launched "SCOPE", a digital registration of its beneficiaries with capture of biometric identity to manage transfers with biometric signature control. As at July 2016, 1.3 million people had been registered.

[67] See, for example, the research conducted in the context of the southern Somalia case study for the Collective Resolution to Enhance Accountability and Transparency in Emergencies initiative led by Transparency International. The goal of the study was to produce an evidence base concerning corruption risks and preventive and/or mitigation measures in relation to the implementation of humanitarian assistance in southern Somalia. The findings of the research are expected to be published in October 2016.

[68] The inability of United Nations agencies to act decisively when diversion is discovered is a major factor contributing to a cycle of impunity within the humanitarian system in Somalia. See S/2014/726, annexes 7.6 and 7.7.

Nations entities showed a waning commitment to the collective risk management and accountability measures developed since 2013.[69]

IV. Violations of international humanitarian law involving the targeting of civilians

A. Al-Shabaab

95. During the current mandate, numerous targeted killings were either claimed by or attributed to Al-Shabaab. Victims included government officials and civil servants (from the district to the federal levels), international agency staff, including from the United Nations, civil society activists and journalists. In a statement issued on 30 December 2015, Al-Shabaab declared that security officials and civil servants would be specifically targeted in future attacks.[70] In later statements it specifically threatened parliamentarians and individuals participating in the elections in 2016, together with United Nations and Western actors supporting the process.

96. Complex attacks against "soft" civilian targets, such as hotels and restaurants, increased during the mandate, especially in Mogadishu, Baidoa and North Galkayo, resulting in a significant number of casualties (see annex 7.1).[71]

97. Al-Shabaab frequently used abduction as a means of controlling the population, whether relating to State collaboration, punishment of a community or maintenance of taxes.[72] As the Monitoring Group indicated in its report for 2015 (S/2015/801), abductions by Al-Shabaab were sometimes followed by abductions by government forces of Al-Shabaab family members. Al-Shabaab also executed civilians suspected of having "collaborated" with its enemies, especially in the wake of a cycle of AMISOM and SNA withdrawals.[73]

98. Under growing financial pressure, Al-Shabaab was increasingly reliant on violence against civilians to ensure the payment of taxation or zakat and to recruit from a reluctant population (see annex 6.3). At the same time, the group sought to project itself as a legitimate arbiter of law and order, purporting to conduct its own

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[69] It should be noted, however, that some agencies intensified individual efforts as collective engagement was reduced. See annex 6.3.

[70] See "Al Shabaab Oo Dilal iyo Qaraxyo Ugu Hanjabtay Saraakiisha iyo Jawaasiista DF-ka Ee Ku Sugan Magaalada Muqdisho", SomaliMemo, 30 December 2015. Available from http://somalimemo.net/articles/4131/Al-Shabaab-Oo-Dilal-iyo-Qaraxyo-Ugu-Hanjabtay-Saraakiisha-iyo-Jawaasiista-DF-ka-Ee-Ku-Sugan-Magaalada-Muqdisho.

[71] In a statement, Al-Shabaab declared that hotels were legitimate targets because they were used by government officials and their allies to plot against the Somali people.

[72] On 12 June 2016, for example, 13 local elders were abducted by Al-Shabaab from Gambole, Middle Juba, and taken to Shaw, Hiran. They were ultimately released further to the payment of a "tax" by the deadline of 25 July and agreement to pay regular zakat. Interview conducted by source of the Monitoring Group with government official in Middle Juba, transmitted in e-mail communication, 8 August 2016.

[73] See annex 2.2 for a table listing SNA withdrawals during the current mandate. Between December 2015 and July 2016, for example, the town of Berhani, south-west of Kismayo, changed "hands" three times, with the destruction of homes and arrests of residents part of the civilian toll.

investigations into violations committed by other forces, disarming clan militias and convening peace negotiations.

99. As Al-Shabaab expanded its operations territorially, internally displaced persons, refugees and others, whether for clan reasons or otherwise, perceived as associated with Al-Shabaab, sometimes bore the brunt of community anger in the wake of attacks. In North Galkayo, for example, traditionally good relations between internally displaced persons and host communities — and efforts by some government officials to urge restraint — did not prevent the killings of internally displaced persons, refugees and outsiders in the wake of a wave of assassinations attributed to Al-Shabaab.[74]

B. Federal and regional security forces and local militias

100. The Monitoring Group received multiple reports implicating federal and regional security forces, as well as local militias, in violations against civilians, whether at roadblocks, in the context of unlawful detention or extrajudicial executions, in pursuit of extortion, for clan revenge or to serve political ends (see annex 7.3).

101. In a number of instances, SNA and regional forces joined intercommunal conflicts, heightening the dangers for civilians. There was no repeat, however, of the large-scale attacks on civilians perpetrated by forces of the Federal Government documented in the Monitoring Group's previous two reports (S/2015/801, annex 6.3, and S/2014/726, annexes 8.1 and 8.2). The underlying conflicts over resources and the lack of effective central command and control of the security forces, which were at the root of these attacks, however, remained largely unresolved.[75]

102. Federal and regional security forces, in addition to local militias, used violence, or the threat of violence, against civilians while pursuing political agendas, both in the context of regional state formation and in preparation for the forthcoming political transition in 2016. In November and December 2015, for example, tensions between the Galmudug Interim Administration and Puntland escalated into armed conflict, resulting in multiple civilian casualties and mass displacement. Similarly, continuing conflict in the contested regions of Sool and Sanaag has involved violations committed against civilians by Somaliland, Puntland and local "Khatumo" forces and local militias (see annexes 7.4 and 7.5).

103. Both federal and regional administrations increasingly conducted executions, the existence of a formal commitment by the Federal Government to a moratorium

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[74] For example, the Monitoring Group documented the killings of four asylum seekers and internally displaced persons in Galkayo in the wake of a person-borne improvised explosive device attack that killed a prominent government official, alongside seven others, including two children, on 31 March 2016. Interview with a staff member of the United Nations, Galkayo, 5 April 2016; telephone interview with a staff member of a non-governmental organization, Galkayo, 24 June 2016.

[75] See annex 7.5 for a discussion on the continuing conflict in Lower Shabelle in which SNA is implicated.

notwithstanding.[76] A total of 20 executions were carried out between January and August 2016 alone, including 7 in Somaliland. In many cases sentences were imposed on civilians, including children, further to trial processes that lacked the fundamentals of due process, constituting a violation of common article 3 of the Geneva Conventions of 12 August 1949.[77]

C. International forces

104. The use of air strikes against both civilian and military targets increased during the current mandate, especially in Gedo, Hiran, Lower Shabelle, Middle Juba and Lower Juba, resulting in civilian casualties, loss of livelihoods and displacement (see annex 7.7). In the wake of some of these strikes, it was reported that unexploded ordnance was harvested by Al-Shabaab for use in the manufacture of improvised explosive devices (see ibid., para. 83).

105. Civilian casualties were also documented following ground offensives by international forces, some of which amount to violations of international law either as a result of direct targeting, or indiscriminate or disproportionate responses to actual or perceived threats by Al-Shabaab (see annex 7.6).

D. Recruitment and use of children

106. During the current mandate, there was an overall rise in the number of instances of recruitment and use of child soldiers verified by the United Nations, in particular by Al-Shabaab in Lower Juba, Middle Juba, Lower Shabelle and Bakool, including ahead of the group's failed assault in Puntland in March 2016.[78] More than 100 children, some as young as 11 years of age, were captured by Puntland and Galmudug Interim Administration forces during the incursion (see annex 7.2). With regard to SNA, the United Nations verified 218 cases of recruitment and use of children in 2015, compared with 197 in 2014.[79] In September 2016, however, the Chief of Defence Forces assured the Monitoring Group that, with the introduction of

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[76] Series of interviews with United Nations and non-governmental organization staff in Mogadishu and regional capitals, March to August 2016.

[77] Although the imposition of the death penalty per se is not a violation, depending on the circumstances in which it is imposed, violations of common article 3 of the Geneva Conventions of 12 August 1949, a *jus cogens* norm of international law, may be committed. Common article 3 applies to all parties in Somalia and forbids, among other things, the "passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples" (art. 3 (1) (d)).

[78] During 2015, the United Nations documented the recruitment and use of 903 children, with 555 cases attributed to Al-Shabaab (see A/70/836-S/2016/360, para. 113). During the first three months of 2016 alone, the recruitment and use of 472 children (442 boys; 30 girls) were documented, of which 276 cases were attributed to Al-Shabaab. E-mail from United Nations staff member, 22 July 2016.

[79] In March 2016, the United Nations supported SNA to launch a one-year workplan to support the implementation of the action plans to end and prevent recruitment and use, and killing and maiming of children, respectively.

biometric registration, there were no child combatants in SNA.[80] In parallel with the expansion of external support for regional forces operating outside federal control, the United Nations verified 40 cases of recruitment and use of children by Ahl al-Sunna wal-Jama'a and 17 by Galmudug Interim Administration forces in 2015.[81]

107. In its report for 2015, the Monitoring Group reported on allegations relating to the use of children separated from armed groups for intelligence gathering by the National Intelligence and Security Agency, in breach of international law (S/2015/801, annex 6.4, para. 56). In July 2016, a ministerial-level fact-finding committee established by the Office of the Prime Minister confirmed the veracity of some of the allegations, but indicated that the practice had ceased.[82]

E. Forced displacement

108. Armed conflict, clan fighting and insecurity forced almost 598,000 Somalis into internal displacement between 1 January 2015 and 30 June 2016.[83] The forced eviction of vulnerable populations from informal settlements continued, not only in Mogadishu but also in other urban centres, including North Galkayo and Kismayo: more than 46,000 people had been displaced by the middle of the year.[84] Frequently occurring in the context of corrupt and unlawful transfer of land and property, evictions often also coincided with the commission of other violations against civilians (see annex 4.6). In July 2016, in paragraph 39 of its resolution 2297 (2016), the Security Council expressed concern regarding the increase in forced evictions of vulnerable populations, stressing that such evictions should be carried out in compliance with national and international frameworks.[85]

V. Arms embargo

A. Compliance by the Federal Government with obligations under the partial lift

109. To assist the Federal Government to combat Al-Shabaab and to support the nascent security sector, the Security Council partially lifted the arms embargo on Somalia in 2013 in paragraphs 33-38 of its resolution 2093 (2013). The Federal

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[80] Letter from Major General Mohamed Aden Ahmed to the Monitoring Group, undated, received 6 September 2016.

[81] See A/70/836-S/2016/360, para. 113. The Minister of Defence told the Monitoring Group that the Federal Government had appointed officials to work with regional states to end the recruitment and use of children, referencing a series of efforts involving all four regional authorities and Belet Weyne. Letter to the Group, 5 September 2016, informal translation by the Group.

[82] Findings of the ministerial committee on the *Washington Post* article regarding the Somali intelligence agency and the alleged use of child defectors as spies, 12 June 2016, on file with the Monitoring Group. See annex 7.2 for a discussion of the allegations.

[83] Information provided by a United Nations staff member, 5 September 2016.

[84] E-mail from a staff member of a humanitarian organization, 5 September 2016.

[85] The Monitoring Group notes, however, that in a presentation to the Human Rights Council in April the Attorney General declared that "there had been no forced evictions of internally displaced persons in Mogadishu or anywhere else in Somalia" (see A/HRC/32/12, para. 33).

Government was authorized to import unlimited weaponry, ammunition (up to a certain calibre and type) and other military equipment. Forces were also allowed to receive other forms of assistance, such as training and financial assistance. In return, the Federal Government incurred certain obligations: it was required to inform the Committee in advance of all deliveries and support received, to report directly to the Council on the structure and composition of its forces and to institute an effective weapon and ammunition management architecture (para. 39).

110. Following reports of diversion of weapons imported under the terms of the partial lift, inadequate reporting and lack of compliance with notification requirements, in 2014, by paragraphs 6 and 7 of its resolution 2142 (2014), the Security Council increased the level of scrutiny under which the Federal Government was permitted to import weapons and ammunition and receive assistance (see, for example, S/2014/726, annexes 6.2 and 6.4). Although the Monitoring Group noted some improvements in the Federal Government's notifications to the Committee in 2015, it expressed concern at the continued diversion of weapons (see S/2015/801, annex 7.1).

111. During the current mandate, the Federal Government improved the quality and timeliness of its advance notifications of deliveries to the Committee and enhanced its coordination with some Member States. Compliance with the two-step post-delivery notification process for weapons and ammunition, however, remained poor: only one post-delivery report shared with the Committee fully met the requirements. Nevertheless, the failure of the Federal Government to submit sufficient and timely delivery information in these cases is attributable more to a lack of information flow within federal security sector entities, and between the Federal Government and Member States, than to a lack of willingness to comply on the part of the Federal Government (see annex 8.2).

Notifications relating to support to security forces of the Federal Government

112. The table below provides a summary of notifications relating to support to the federal security forces.

Requirement	*Federal Government*	*Member State/ international organization*
Advance notification	14	7/0
Post-delivery confirmation	5	1
Post-distribution information	2 (submitted jointly with 2 post-delivery confirmations above)	–

113. Neither the Federal Government nor Member States informed the Committee as required of all materiel and support received by the federal security forces during the current mandate (see annex 8.2 and S/2015/801, annex 6.2). The bulk of this non-notified support constituted non-lethal assistance such as salaries, stipends, building infrastructure, military clothing and training for SNA, the police and the National Intelligence and Security Agency.

114. The Federal Government's reporting on the structure of its forces and weapon and ammunition management systems under resolutions 2244 (2015), paragraph 7, and resolution 2182 (2014), paragraph 9, continues to lack vital elements (see annex 8.1). Notwithstanding the continuing militia integration and development of parallel regional forces, the Federal Government has provided no data on changes in the strength of its forces since 2014, when it provided only personnel numbers for SNA. Data on personnel strength for the other three security forces (police, National Intelligence and Security Agency and custodial corps) have never been provided. Neither did the Federal Government proffer any information on the integration and status of militia and regional forces during the mandate — although, with regard to the latter, the regional authorities may not allow much federal oversight.[86] The provision by the Federal Government of this information is not simply an issue of compliance with the terms of the partial lift, it is also essential to ensuring appropriate and targeted assistance from Member States.[87]

Renewal of the partial lift

115. During the current mandate, the Federal Government has repeatedly urged the Security Council to completely lift the arms embargo with regard to its forces, citing the embargo as an impediment to its efforts to combat Al-Shabaab. The Peace and Security Council of the African Union has also called upon the Council to lift the embargo as a critical aspect of building capable Somali security institutions.[88] The embargo does not, however, represent an impediment to the Federal Government's importing arms and ammunition. In fact, between the grant of the partial lift in 2013 and 1 September 2016, both the Federal Government and Member States submitted advance notifications for 20,679 weapons and 13,007,276 rounds of ammunition intended to support the federal security forces (see annex 8.2). Although the Federal Government's weapon marking and management of imported materiel at Halane is improving, there are still major challenges around the distribution and tracking of weapons outside Mogadishu, and in a consistent manner across the forces.

116. The decision to maintain the partial lifting of the arms embargo for the Federal Government's security forces must, therefore, be made with full awareness of the challenges that the Federal Government is facing in complying with the requirements, whether to manage imported weapons or to provide accurate information on the structure, composition, strength and disposition of its forces.

Documentation of captured weaponry and military equipment

117. Pursuant to paragraph 6 of resolution 2182 (2014), the Security Council requires that SNA and AMISOM document and register all military equipment

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[86] In its resolution 2244 (2015), paragraph 7, the Security Council added a requirement for the Federal Government to report on the status of regional forces. See annex 8.1 for a discussion of the challenges involved in that regard.

[87] In July 2016, in the preamble to resolution 2297 (2016), the Security Council emphasized that it was important for the Federal Government to further define the composition of the national security forces, identify capability gaps in order to guide AMISOM and donors' security sector assistance priorities and signal areas of cooperation with the international community.

[88] See Peace and Security Council of the African Union, communiqué of 29 June 2016. Available from www.peaceau.org/en/article/communique-of-the-608th-meeting-of-the-psc-on-the-situation-in-somalia-and-the-african-union-mission-in-somalia-amisom#sthash.sOZ7oBeX.dpuf.

captured during offensive operations and to facilitate inspection by the Monitoring Group before its redistribution or destruction. In contrast with the previous mandate, the Federal Government provided no information to the Group on captured weapons and military equipment through formal communications.[89] On 16 September 2016, further to official correspondence from the Group, AMISOM provided the Group with a list of captured weapons seized and described as having been handed over to the Federal Government, by sector.[90]

B. Support to Somali security sector institutions

118. In 2013, when the partial lift was authorized, it was envisaged that the federal security services would progressively integrate local forces, leaving few security entities outside the control of the Federal Government. An additional window in the arms embargo was maintained, however, to permit support to be provided to the security forces of two entities that were already organized and functioning: those of Puntland and Somaliland. Thus, pursuant to paragraph 11 (a) of resolution 2111 (2013), weapons or military equipment and technical assistance or training intended solely for the purposes of helping to develop Somali security sector institutions, other than the security forces of the Federal Government, can be provided if a notification for the Committee's consideration is appropriately made and if the Committee approves.

119. Whether in the context of state formation or concerns about the functionality of SNA, Member States are in fact increasing their support for non-federal forces (see annex. 8.3). At the same time, as a result of persistent non-compliance with notification obligations, weapons, ammunition, other materiel and support to these entities flow de facto unchecked.[91] Indeed, the Committee received only three notifications pertaining to non-federal forces during the current mandate: all three for Somaliland security forces, from only one Member State and for only non-lethal materiel. For example, neither the United Arab Emirates nor the United States of America has sought the Committee's approval for their programmes of support for the Puntland Maritime Police Force and the Puntland Security Forces (see ibid.). Even though these programmes are providing critical support to forces on the front line of efforts to combat Al-Shabaab and ISIL, this constitutes a breach of the embargo by all the parties involved in the provision and receipt of the support.

120. The failure on the part of Member States and other donors to seek the Committee's approval for their support for non-federal forces is undermining the implementation of the arms embargo as a whole and encouraging a fragmented

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[89] The Monitoring Group assessed compliance during the first year of the requirement in its report for 2015 (S/2015/801), annex 7.4.

[90] Letter from the Special Representative of the Chairperson of the African Union Commission for Somalia, Francisco Madeira, to the Coordinator of the Monitoring Group, 16 September 2016.

[91] This reality contrasts with the extensive scrutiny exercised by the Committee over support to the federal forces as it monitors compliance with extensive requirements under the provisions of the partial lift.

approach to the security sector.[92] The Monitoring Group has identified adjustments to the current arms embargo framework relating to non-federal security forces that may better reflect the reality of the development of the security sector and security needs on the ground (see ibid.).

C. Arms trafficking networks

Maritime interdiction of arms and ammunition[93]

121. The Monitoring Group monitored three cases involving the seizure of large weapon caches by international naval forces forming part of the Combined Maritime Forces. These cases were characterized by the use of stateless dhows and Somalia was either a destination or transit point for the smuggled weapons. Details are contained in annex 8.4.

Puntland and Somaliland arms smuggling networks

122. The Monitoring Group notes that most illicit weapons continue to enter Somalia through Puntland, and, to a much lesser extent, Somaliland. In May and June 2016, the Group investigated three shipments of small arms into the Puntland coastal town of Qandala, a weapon smuggling hub with historical ties to the port of Mukalla in Yemen. It is highly likely that a portion of these went towards equipping the militia of Abdisamed Gallan, a former governor of the Bari region who launched an insurgency aimed at overthrowing the Puntland Administration in June 2016. In late October 2015, a shipment of an unknown quantity of small arms, believed to include propellants for RPG-7 launchers,[94] arrived approximately 5 km west of the port of Maydh, Somaliland. The shipments are discussed in annexes 8.5 and 8.10, respectively.

Improvised explosive devices

123. Al-Shabaab used increasingly sophisticated improvised explosive device technology in its operations, facilitated by the continued arrival of foreign trainers, and involving the transfer of knowledge from other conflict areas. The impact of this newer technology, such as explosively formed penetrators and pressure plate devices, has been felt in a series of attacks on AMISOM and other high-profile targets during the current mandate. More effective use of homemade explosives has also increased the toll on civilians during large-scale vehicle-borne improvised

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[92] When, further to the conduct of a strategic review of the United Nations Support Office for the African Union Mission in Somalia, including a thorough review of support provided to AMISOM by all partners, the Secretary-General made recommendations to the Council on a modality for supporting the integration of Puntland forces, for example, he emphasized that the provision of support must be done in a manner that furthered the objective of developing a federal security architecture and supported overall civilian oversight and the command and control of SNA. See S/2015/762, para. 64.

[93] The Security Council authorized Member States, under certain circumstances, to interdict vessels believed to be carrying weapons and military equipment in Somali territorial waters and on the high seas (resolution 2182 (2014), para. 15).

[94] Interviews with a security official from a Member State outside the region, 18 February, and a regional intelligence source, 20 February 2016.

explosive device attacks (see annex 7.1). Further details on advances in Al-Shabaab improvised explosive device technology are contained in annex 8.6.

Illicit arms markets

124. The Monitoring Group found that AK-pattern assault rifles and other small arms were the items most commonly sold on the Somali illicit weapon markets. Yemen continues to be a source of weapons entering Somalia, mostly from small ports in Puntland, while federal soldiers remain another source of weapons in illicit circulation. Annex 8.8 contains a table of weapons and ammunition available on the key arms markets in Somalia.

D. Daallo Airlines

125. On 2 February 2016, an explosive device concealed in a laptop detonated aboard Daallo Airlines flight 159 from Mogadishu to Djibouti. Owing to the inaccurate altitude at which the explosive was detonated, there was only one fatality, the suicide bomber himself, Abdullahi Abdisalam Borleh. Al-Shabaab claimed responsibility for the attack on 13 February.[95]

126. While Al-Shabaab used an improvised explosive device concealed in a laptop in at least one known previous attack in Mogadishu in November 2013, this is the first known case in which it directly targeted an aircraft. The choice of a Somali businessman as a suicide bomber, the extensive operational security measures implemented, including the apparent assassination of some of the conspirators in the wake of the attack, together with indications that Al-Shabaab is likely to have had external assistance in the construction of the device, reflect an evolution of the group's tactics, techniques and procedures. The attack followed reports received by the Monitoring Group that Al-Shabaab was working to enhance its capability to target aviation interests, increasing the need for effective aviation security measures in Somalia and the region.

127. The attack also demonstrated important connections between Al-Shabaab and certain international actors. The findings of the Monitoring Group on the attack are contained in strictly confidential annex 8.7.

VI. Violations of the charcoal ban

128. There have been some positive trends in terms of the charcoal ban during the current mandate. First observed by the Monitoring Group in late 2015, Al-Shabaab has continued its strategic shift away from the charcoal trade, instead attacking or jailing charcoal burners and traders within territory in which it wields influence. There has also been improved enforcement of the ban, in particular by the United Arab Emirates. These two factors have contributed to a pattern of declining volume of charcoal exports from Somalia compared with the previous few years, which has

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[95] See "Al-Shabaab claims Somalia plane bomb attack", Al Jazeera, 13 February 2016. Available from www.aljazeera.com/news/2016/02/al-shabab-claims-somalia-bomb-plane-attack-160213130832329.html.

been particularly noticeable since May 2016. Nevertheless, the commercial networks that sustain charcoal exports from Somalia and charcoal imports into the United Arab Emirates remain in place, the Group continues to receive reports of dhows departing with charcoal from Kismayo and Buur Gaabo and arriving in Dubai, United Arab Emirates, and there are currently no effective barriers to Al-Shabaab reverting to systematically taxing the production and transport of charcoal.

A. Production, transport and stockpiles

129. The most notable trend with regard to the production and transport of charcoal for export has been a change in the approach of Al-Shabaab, which was first observed by the Monitoring Group during the previous mandate. The group has shifted from taxing charcoal at checkpoints en route to ports to declaring a charcoal ban in areas under its influence in southern Somalia (although some Al-Shabaab elements may still be taxing charcoal on an ad hoc basis), which it has enforced by imprisoning and attacking charcoal burners and traders. The group's shift can be traced to a breakdown in a revenue-sharing agreement with Ahmed Mohamed Islam, or "Madobe", early in 2015, which had constituted a significant share of its income from charcoal, in particular following the loss of control over Kismayo in September 2012 and Barawe in October 2014.[illegible] Once "Madobe" cut Al-Shabaab out of a share of the proceeds from charcoal exports, the group retaliated, using coercion with the apparent motive of diminishing the revenue being accrued to the Interim Jubba Administration from the continuing charcoal trade. Ultimately, the impact of Al-Shabaab's declining revenue from the charcoal trade on the security situation remains unclear, especially considering the group's capacity to offset the loss with other sources of income. Likewise, on the basis of currently available evidence, the Group remains unable to conclusively verify that Al-Shabaab has completely withdrawn from the charcoal trade.

130. The two main locations for stockpiles actively used for charcoal exports are Kismayo and Buur Gaabo (some 125 km south-west of Kismayo). On 20 April, the Monitoring Group took a helicopter flight over the towns, confirming the location and magnitude of the charcoal stockpiles and photographing them. Notably, as reported in the Group's midterm update to the Committee on 22 April 2016, there is a Kenyan AMISOM base quite near the charcoal stockpile in Buur Gaabo. Annex 9.1 presents aerial photography and satellite imagery of the stockpiles in Kismayo and Buur Gaabo.

131. In February and March 2016, the Federal Government and the Interim South-West Administration requested the Monitoring Group's advice regarding the charcoal stockpile in Barawe, a legacy of Al-Shabaab's use of the port as its primary location for exports before the port's capture by a joint AMISOM and SNA offensive in October 2014. The Group advised that the Federal Government, in consultation with the Interim South-West Administration, should write to the Committee for guidance on compliance with the charcoal ban, which to the knowledge of the Group has not been done. According to a letter dated 14 April

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[illegible] Interview with former charcoal traders, 13 July 2016; and S/2015/801, para. 152.

2016 transmitting a report by the Federal Government on arms and ammunition, a joint Federal Government and Interim South-West Administration committee will be formed to determine the size of the stockpile in Barawe and explore options for local consumption. The proceeds would then be deposited into a trust fund partially allocated to reforestation and community development projects (see S/AC.29/2016/NOTE.25). The Group remains concerned that the charcoal stockpile in Barawe constitutes a threat to peace and security. There continue to be risks that the charcoal could be a source of conflict among armed groups seeking to exploit its commercial potential, that the finances from its sale could be misappropriated or that the charcoal could be exported in violation of the sanctions regime (although recent satellite imagery appears to confirm the stockpile has not been depleted during the current mandate).

B. Illicit export of charcoal

132. According to an estimate provided to the Monitoring Group by sources with extensive knowledge of the charcoal industry, some 150 to 200 dhows of charcoal per year were being exported from Somalia until a significant downturn in trafficking in May 2016.[97] Based on an assumption of an average of 30,000 bags of charcoal per dhow, this would equal 4.5 million — 6.0 million bags per year of charcoal exported from Kismayo and Buur Gaabo. With each bag of charcoal weighing 25 kg, the total weight would equal between 112,500 and 150,000 tons per year. In terms of annual total value in the United Arab Emirates, the principal export market, this would be worth between $135 million and $180 million wholesale (Dh 110 or $30/bag) and between $171 million and $228 million retail (Dh 140 or $38/bag).

133. The functioning of the charcoal export economy in Somalia relies on an alliance between the Interim Jubba Administration and the local business community, especially in Kismayo. One integral player in this relationship has been Ali Ahmed Naaji, currently a financier of the Jubaland Chamber of Commerce, Industry and Agriculture. Previously, he was identified by the Monitoring Group in 2013 and 2014 as a tax collector for Al-Shabaab, a major trafficker of illicit charcoal and an associate of Ahmed "Madobe", who is now the President of the Interim Jubba Administration (see S/2013/413, annex 9.2, paras. 11 and 26; S/2014/726, paras. 141-143; annex 6.8, footnote 94; and annex 9.2, paras. 48 and 63). The Interim Jubba Administration has derived significant revenue from illicit charcoal exports through checkpoints and taxes at the port; the latter is currently assessed at some $3 per bag, thus generating between $1.1 million and $1.5 million per month based on the quantity estimated above.[98] The reliance of the Interim Jubba Administration on revenue from charcoal exports also carries certain risks, however. As a result of improved charcoal ban enforcement by the United Arab Emirates, dhows became reluctant to load charcoal in Kismayo and Buur Gaabo in May 2016. Consequently, the Interim Jubba Administration has experienced financial difficulties, resorted to loans with local businesspeople and failed to pay

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[97] The monsoon season is from August to October. Charcoal transport using dhows occurs primarily during the other nine months of the year.

[98] Interview with former charcoal traders, 13 July 2016.

the police force. There are concerns in Kismayo that if the Interim Jubba Administration is not able to find alternative sources of revenue to pay regional security forces they could defect to Al-Shabaab.[99]

134. As previously reported by the Monitoring Group, the Kenyan contingent of AMISOM continues to play a substantial role in the illicit export of charcoal from Somalia (see S/2013/413, annex 9, and S/2014/726, annex 9). According to charcoal industry and non-governmental organizations sources, in exchange for allowing the loading of charcoal at a port effectively under their control, the Kenyan forces receive a fee of $2 per bag for charcoal exported from Kismayo.[100] The Group has also confirmed the presence of a Kenyan AMISOM base adjacent to the stockpile in Buur Gaabo (see annex 9.1). While this is not conclusive proof that the Kenyan contingent of AMISOM is actively involved in exporting charcoal from Buur Gaabo, it does indicate that the Kenyan forces are not preventing exports, as requested by the Security Council in resolutions 2111 (2013), 2182 (2014) and 2244 (2015). On 23 February 2016, the Group wrote to the Head of AMISOM, Francisco Madeira, to request information regarding the steps taken to prevent the export of charcoal and ensure compliance by troop-contributing countries with the charcoal ban established in resolution 2036 (2012). The Group did not receive a reply.

C. Charcoal transporters

135. Charcoal transporters and their accomplices at ports use several methods to facilitate sanctions evasion. The use of remote locations, such as Buur Gaabo, to stockpile and load charcoal may be largely motivated by avoiding detection. Likewise, on at least one occasion during the current mandate, the loading of multiple dhows of charcoal at Kismayo was interrupted by the impending arrival of a United Nations agency staff member. The dhows were sent offshore partially loaded, and loading resumed once the port visit had been completed. The intimidation of labourers at the port of Kismayo, including arrests of suspected informants by the Interim Jubba Administration, has also become increasingly common.[101] Furthermore, dhows routinely cover their name and registration when loading charcoal in order to avoid identification, while vessels equipped with Automatic Identification System transceivers turn them off to prevent their location from being tracked. At the port of unloading, mainly in the United Arab Emirates, the dhows use false paperwork to disguise their actual port of loading (see annex 9.7).

136. With the recent exception of a few Sri Lankan-flagged dhows, nearly all the dhows identified by the Monitoring Group during the current mandate as illicitly transporting charcoal from Somalia have been Indian-flagged. Through the use of confidential sources and with the assistance of the Directorate General of Shipping of India, which provided lists of Indian-flagged vessels, the Group has identified at least 29 dhows that have violated the charcoal ban during the current mandate. Many of them are also repeat offenders that have been mentioned in previous reports of the Group (see annex 9.5). The Group recommends that Security Council

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[99] Interview with local political analyst, 1 September 2016

[100] Interview with former charcoal traders, 13 July 2016; and Journalists for Justice, "Black and white: Kenya's criminal racket in Somalia", (Nairobi, 2015).

[101] Interview with local political analyst, 1 September 2016

authorize Member States to seize vessels carrying Somali charcoal, in accordance with their national legislation, in their territorial waters and seaports and that the Council require such Member States to inform the Committee of any such action, including relevant details on the seizure and disposal of vessels (see sect. VIII).

D. Illicit import of charcoal

137. Investigations during the current mandate reinforce earlier observations by the Monitoring Group regarding Dubai being the primary destination for illicit Somali charcoal (see annex 9.3 for an analysis of official charcoal import data from the United Arab Emirates). Dhows with charcoal cargoes docked at Port Rashid until June 2016, when they switched to docking at the port of Hamriyah.[102] As a result of improved enforcement of the ban by the authorities of the United Arab Emirates, however, there have also been indications that Somali charcoal exporters may now be considering alternative export destinations.[103]

138. The most critical tool in evading the charcoal ban has been falsified customs documentation, including the certificate of origin, invoice, bill of lading and manifest. Previously, the Monitoring Group has documented the use of fake paperwork claiming that charcoal shipped from Somalia to the United Arab Emirates had instead been exported from Djibouti, Kenya or the Comoros (see S/2013/413, annex 9.2; S/2014/726, annex 9.4; and S/2015/801, paras. 156-161). Investigations have revealed that there have been three types of false paperwork used for charcoal shipments from Somalia that have been submitted to the customs authorities of the United Arab Emirates during the current mandate: Comoros, Ghana and Pakistan (see annex 9.7). The false paperwork has been generated within the United Arab Emirates, with the facilitator receiving approximately Dh 5-6 ($1.36-$1.63) in commission per bag of charcoal.

139. With the assistance of confidential sources and by cross-referencing previous reports, the Monitoring Group has identified a network of suppliers, investors and wholesalers currently involved in the illegal Somali charcoal trade (see annex 9.6). There are significant profits to be reaped in this business, given that each bag of Somali charcoal yields a net profit of about $10 — the difference between $20 invested and a wholesale price of $30 in the United Arab Emirates (see annex 9.2).

E. Implementation of the charcoal ban by Member States

140. The United Arab Emirates significantly improved its implementation of the charcoal ban during the current mandate. Initially, charcoal cargoes were seized from two dhows (one partial, one complete) by the authorities and subsequently sold at a public auction in Dubai attended by the Monitoring Group on 18 May 2016 (see annex 9.4.a). More recently, charcoal cargoes from another four dhows (one partial, three complete) have also been seized by the authorities and may be sold at another public auction (see annexes 9.4.b and 9.4.c).

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[102] Confirmed by a customs officer in Dubai, 14 July 2016.

[103] Interview with local political analyst, 1 September 2016.

VII. State and non-State cooperation with the Monitoring Group

A. Federal Government

141. The beginning of the current mandate saw very encouraging support for the Monitoring Group from the Federal Government and representatives of its institutions. This support somewhat deteriorated after the leak of the Group's confidential correspondence, but the Group did continue to receive good cooperation from the Federal Government. The Governor of the Central Bank, Bashir Issa, made himself available to provide substantive input and detailed responses in support of the Group's investigations. The Ministry of Petroleum and Mineral Resources was also responsive to requests for information from the Group.

B. Other States

142. The Group received limited cooperation from the Government of Kenya and its security services. The Group was also concerned by a communiqué from Kenya regarding the Group's confidential midterm update, which was distributed before the Group's presentation to the Committee in New York. At the time of writing, the Group had not received a response to its official correspondence to Kenya.

143. In the framework of Monitoring Group's investigation into the Daallo Airlines case, Angola welcomed the Group for a three-day visit. The Group received highly professional cooperation and extensive support from the Angolan authorities.

144. The Monitoring Group initiated cooperation with the Islamic Republic of Iran and visited the country. The Islamic Republic of Iran offered the Group the opportunity to exchange views and concerns on maritime threats, weapon smuggling and financial networks.

145. The Monitoring Group received unequal cooperation from the United Arab Emirates. With regard to its investigation into the charcoal trade, the Group had productive cooperation with the authorities. On financial issues, the Group has yet to receive a reply from the authorities regarding companies registered in Dubai. Regarding the security sector, the Group also notes the obstructive role of military advisers from the United Arab Emirates in Bosaso, who twice blocked the Group's access to the Puntland Maritime Police Force base, in February and April 2016.

C. Non-State actors

146. The Monitoring Group received good cooperation from United Nations entities and international non-governmental organizations dealing with human rights issues.

147. The Monitoring Group wishes to note the exceptional cooperation by the Puntland Administration with the Group, in particular the Chief of Staff of the President, Deeq Yusuf, and the President's Chief Protocol Officer, Abdisalaam Hasan. Furthermore, the Group is appreciative of the assistance shown to it by the Puntland Security Forces.

VIII. Recommendations

A. Threats to peace and security

148. The Monitoring Group recommends that the Security Council:

(a) Reiterate its call upon the Federal Government, regional authorities, AMISOM and Member States to fully cooperate with the Group in sharing information regarding Al-Shabaab activities in Somalia and the region;

(b) Encourage the Federal Government to establish a civilian-led auditing committee dedicated to SNA, with full access to the Logistics Department, and reporting monthly to the Ministry of Finance and international donors providing security sector support;

(c) Urge the Federal Government and regional authorities to determine a comprehensive, inclusive and affordable national security structure and commit themselves to following a practicable process of force integration;

(d) Modify the listing criteria on misappropriation of financial resources (resolution 2060 (2012), para. 2 (c)) to explicitly include misappropriation within regional administrations and federal states;

(e) Urge the Federal Government to refrain from agreeing upon any contracts on oil exploration and development until:

(i) The finalization of the model production-sharing agreement, including due consideration of the confidential assessment by the Financial Governance Committee;

(ii) The establishment of functional implementing institutions, in particular a petroleum authority and a national oil company;

(iii) The conclusion of a comprehensive, constitutional revenue-sharing agreement among relevant federal and regional authorities.

B. Arms embargo

149. The Monitoring Group recommends that the Security Council:

(a) Remind the Federal Government of its obligation to provide full and accurate information on the structure, composition, strength and disposition of its security forces, including the status of regional and militia forces, and urge regional authorities to cooperate with the Federal Government in the preparation of this reporting, as appropriate;

(b) Amend paragraph 11 (a) of resolution 2111 (2013), which describes exemptions for the provision of support to Somali security sector institutions not encompassed within Federal Government's security forces, to clarify the scope of the exemption, including permitting forms of assistance such as stipends and building infrastructure to be the subject of exemption, in order to enhance the Committee's oversight of the flow of lethal and non-lethal materiel and support to these entities, and urge Member States and international organizations providing such support to strictly adhere to notification and request requirements.

C. Obstruction of humanitarian assistance

150. The Monitoring Group recommends that the Security Council request United Nations agencies to redouble their efforts to participate in, and contribute to, the system of collective risk management and accountability developed by the United Nations country team in Somalia, in particular those elements that relate to information sharing, and to re-examine organizational mandates or processes where they may inhibit such sharing.

D. Violations of international humanitarian law involving the targeting of civilians

151. The Monitoring Group recommends that the Security Council:

(a) Urge the Federal Government to investigate and prosecute members of the security services responsible for serious and repeated violations of international law relating to targeting of civilians in Somalia and consider designating individuals and entities for targeted sanctions measures;

(b) Request the Federal Government to consider the development of a framework for vetting prospective senior appointments within federal and regional civilian and military structures in terms of their human rights record;

(c) Urge all international forces in Somalia to disseminate specific rules of engagement and targeting protocols, in accordance with international best practice, for the use of aerial ordnance in full compliance with the principles of distinction, proportionality and necessity;

(d) Encourage AMISOM to implement the recommendations formulated within the framework of the United Nations human rights due diligence policy and encourage other States giving direct or indirect assistance to Somali security forces to tailor their support to the measures identified in the policy.

E. Violations of the ban on charcoal

152. The Monitoring Group recommends that the Security Council:

(a) Authorize Member States to seize, in accordance with their national legislation, in their territorial waters and seaports, vessels proved to have violated the embargo on the export of charcoal from Somalia and subsequently to dispose of the vessel through a public auction conducted by the relevant confiscating authority, with the owner of the vessel obligated to assume the cost of repatriating the crew;

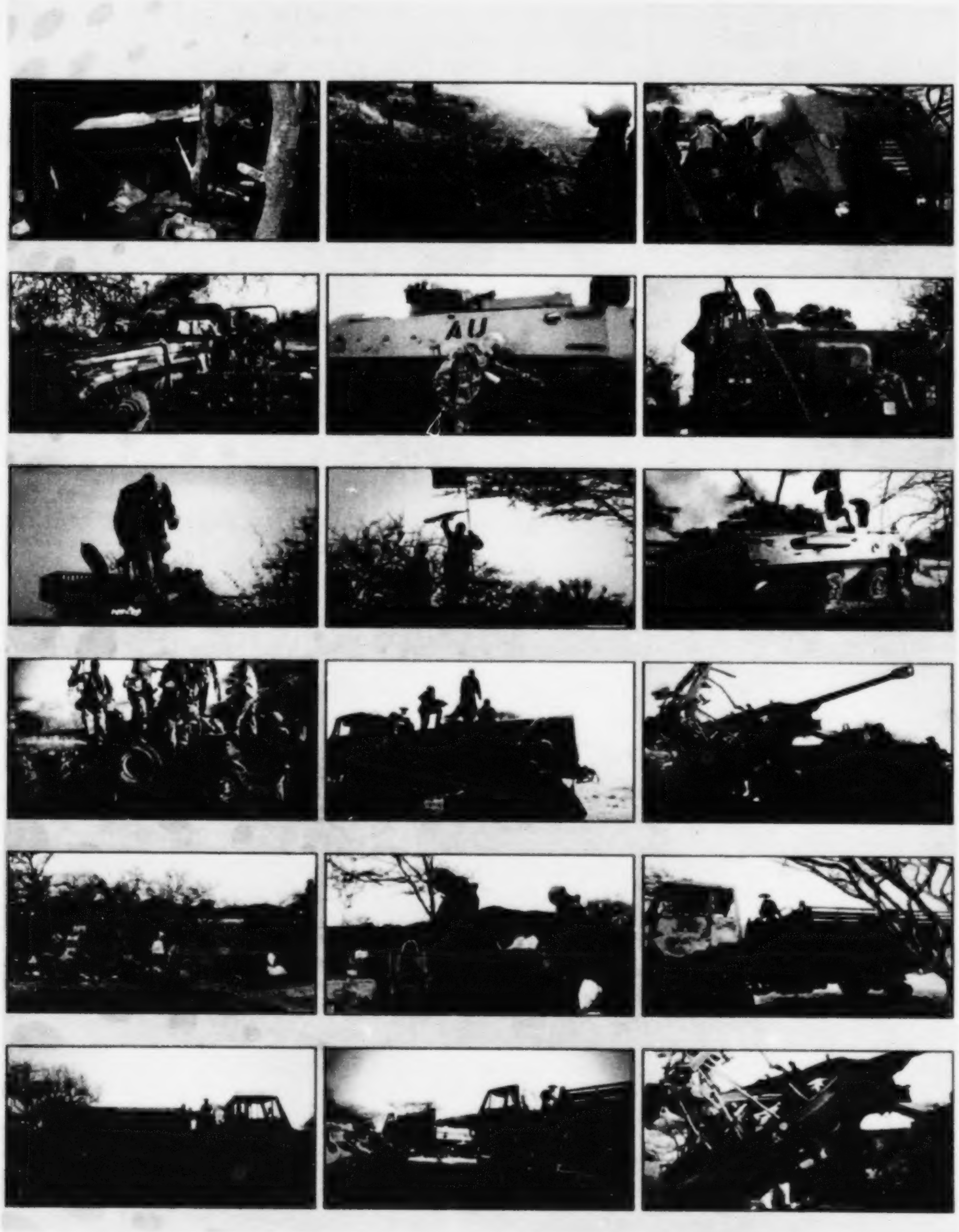
(b) Reiterate its call upon AMISOM to assist the Federal Government in preventing the export of charcoal from Somalia and call upon AMISOM to facilitate regular (i.e., at a minimum, quarterly) access for the Monitoring Group to charcoal-exporting ports, including the provision of armoured transport and other relevant security measures, as required.

Annex 1

Harakaat al-Shabaab al-Mujaahidiin

Annex 1.1: captured material

Figure 1: Images publicly released by Al-Shabaab on 17 January 2016 showing material captured from AMISOM at El Adde, Gedo region



Annex 1.2: Islamic State of Iraq and the Levant (ISIL) faction in Puntland

Emergence of the ISIL faction

1. Late 2015 witnessed the first appearance of an Islamic State of Iraq and the Levant (ISIL)-aligned militant faction in Somalia. On 22 October 2015, an Al-Shabaab religious leader based in Puntland's Golis Mountains, Abdulqadir Mumin, declared allegiance (*bayah*) to the Islamic State of Iraq and the Levant (ISIL).

2. Mumin likely believed that his declaration would trigger a broad shift in the loyalty of Al-Shabaab fighters away from Al-Qaida and towards ISIL. However, Mumin's fellow militants in the Golis Mountains quickly turned on him, and in November 2015 they expelled him and several dozen fighters that were loyal to him from the area following armed clashes. Al-Shabaab dispatched between 50 and 60 fighters from the Golis Mountains to Bari region in order to track him down and eliminate his faction;[1] on 24 December 2015, the two forces clashed near the village of Timirshe in Bari region, 40 km from Iskushuban, with minor casualties on both sides.

3. In southern and central Somalia, forces loyal to Al-Shabaab emir Ahmad Umar Abu Ubaidah cracked down on pro-ISIL militants within the group, carrying out arrests and executions, particularly in Lower and Middle Juba, beginning in November 2015.[2] In an audio response released on Twitter on 12 December 2015, Mumin decried the killing of pro-ISIL members of Al-Shabaab, stating that those "who refuse the pledge of allegiance to the Caliph [Abu Bakr al-Baghdadi] should be killed".[3] However, ISIL's influence within Somalia has thus far been limited, and the Monitoring Group has found no reliable evidence to date of Al-Shabaab's operational connections with or material assistance from ISIL.

4. However, Somalia's ISIL faction does appear to have ties to ISIL media outlets. For instance, On 15 April 2016, al-Furāt Media Foundation, affiliated with ISIL, released an online video depicting Mumin's faction at a small training camp in Puntland.4 The camp—the precise location of which is not known—was named in honour of Abu Nu'man al-Yintari, a fighter in southern Somalia reportedly assassinated by Al-Shabaab due to his pledge of allegiance to ISIL. The video featured roughly a dozen militants engaged in rudimentary training exercises, and included an address by Abdulqadir Mumin in which he called on all Muslims to "join the caravan of the caliphate". Figure 2, below, displays a still from the 15 April ISIL faction video.

5. On 31 August 2016, the US Department of State designated Abdulqadir Mumin for financial sanctions as a Specially Designated Global Terrorist.[5] Mumin, according to the State Department, "has expanded his cell of ISIL supporters by kidnapping young boys aged 10 to 15, indoctrinating them, and forcing them to take up militant activity".[6]

Strength and leadership

6. At the time of his declaration of allegiance to ISIL in October 2015, the strength of Mumin's following numbered at most a few dozen fighters, and the Monitoring Group does not believe it has substantially grown since that time.[7] However, it is difficult to disentangle the strength Mumin's ISIL movement from Puntland clan

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[1] SEMG interviews with Puntland military and police commanders stationed at Galgala, 24 February 2016.
[2] Confidential international agency security report, 22 November 2015.
[3] Audio message available from
http://sitemultimedia.org/audio/SITE_AbdulQadrMumin_Pledge_Advice_Shabaab.mp3 (subscription only).
[4] Video entitled "The Commander Shaykh Abū Nu'man Military Training Camp", 15 April 2016. Available from http://jihadology.net/2016/04/15/new-video-message-from-jund-al-khilafah-in-somalia-the-commander-shaykh-abu-numan-military-training-camp/.
[5] U.S. Department of State, "State Department Terrorist Designation of Abdiqadir Mumin", press release, 31 August 2016. Available from http://www.state.gov/r/pa/prs/ps/2016/08/261409.htm.
[6] Ibid.
[7] SEMG interviews with Puntland military commanders, Galgala, 24 February 2016, as well as regional intelligence sources.

dynamics, namely the longstanding opposition of his Ali Salebaan clan to the traditional ruling clans in Puntland. By remaining in the Ali Salebaan homeland in Bari region, Mumin has effectively shielded his small pro-ISIL faction from the reach of the central authorities.

7. In addition to Mumin, the Monitoring Group has identified two other leaders in Puntland's ISIL faction. Mahad Moalim (Majeerteen/Ali Salebaan) is currently serving as Mumin's deputy in Bari region, having defected from Al-Shabaab in December 2015.[8] Moalim is perhaps responsible for facilitating the arrival of fighters from Yemen into Somalia, as well as the importing of arms.[9] Prior to joining Mumin's ISIL faction, Moalim had been assigned as the deputy head of finance for Al-Shabaab Northeast (ASNE) in the Golis Mountains, under then-emir Bashir Shire Maxamed.[10]

8. Another high-ranking member of Mumin's faction is Abdihakim Dhuqub (Ali Salebaan/Ismail Ali), a former schoolteacher. In its 2013 report, the Monitoring Group identified Dhuqub as a cousin of Abdulqadir Mumin and a member of Al-Shabaab operating in Bari region.[11] It also reported that Dhuqub was involved in the creation in 2004 of the first Bosaso cell of Al-Itihaad al-Islamiya (AIAI), an ideological forerunner to Al-Shabaab.[12]

9. Mumin is also supported by the former pirate and current arms trafficker Isse Mohamoud Yusuf "Yullux", his distant cousin. "Yullux" is known to import weapons into the northern port village of Qandala (see annex 8.10), and it is highly probable that Mumin obtains access to arms and ammunition through "Yullux".

Links to Yemen

10. According to multiple SEMG security sources, Mumin travels routinely across the Gulf of Aden to Yemen, and maintains contact with militants there.[13]

11. The Monitoring Group has identified one Golis Telecom mobile phone selector associated with Mumin, 252906006692[14]; phone records obtained by the Group show that this selector was active from 1 April until 10 May 2016. As is typical amongst Al-Shabaab leaders, it appears that this selector was used only for certain communications during a limited timeframe, in order to avoid detection and potential targeted lethal action by Member States.[15]

12. During the period it was active, 25290600[redacted] was in contact with two unidentified phone numbers in Yemen, 967739775847 and 967730432115, a total of three times and eight times, respectively.[16] 25290600[redacted] was also in contact seven times in April 2016 with Telesom number 25263373[redacted] in Somaliland, associated with Nuradin a.k.a. Abdirahman (Isaaq/Haber Yunis), an active member either of Al-Shabaab or the ISIL faction.[17] Nuradin worked briefly as an accountant for a construction company in Hargeisa before departing for Yemen, via Garowe, on 5 May 2016.[18] Mumin's association with Nuradin, as well as the duration[19] and frequency of Mumin's calls to Yemen, support the reports of his ties to militants in that country.

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[8] SEMG interviews with three regional intelligence sources, 27 February, 12 April, and 6 September 2016, corroborated by information provided by a Western intelligence agency.

[9] Information provided by a Western intelligence agency.

[10] Information provided by a regional intelligence source, 6 September 2016.

[11] S/2013/413, annex 1.7.

[12] Ibid.

[13] SEMG interviews with Puntland military and police commanders in Galgala, 24 February 2015, as well as regional and FGS intelligence sources. Mumin is believed to have travelled to Yemen in either February or March 2016 in order to solicit material support from Yemeni militants, but the SEMG has not been able to independently confirm this visit.

[14] Provided to the SEMG by a regional intelligence source and confirmed by a Western agency.

[15] As of September 2016, the selector 252906006692 was no longer active.

[16] As of September 2016, both Yemen numbers were no longer active.

[17] Information provided to the SEMG by a regional authority, 6 September 2016.

[18] Ibid.

[19] Mumin's calls to Yemen lasted up to 14 minutes in duration.

Figure 1: Sheikh Abdulqadir Mumin, from his 22 October 2015 audio message declaring allegiance to ISIL

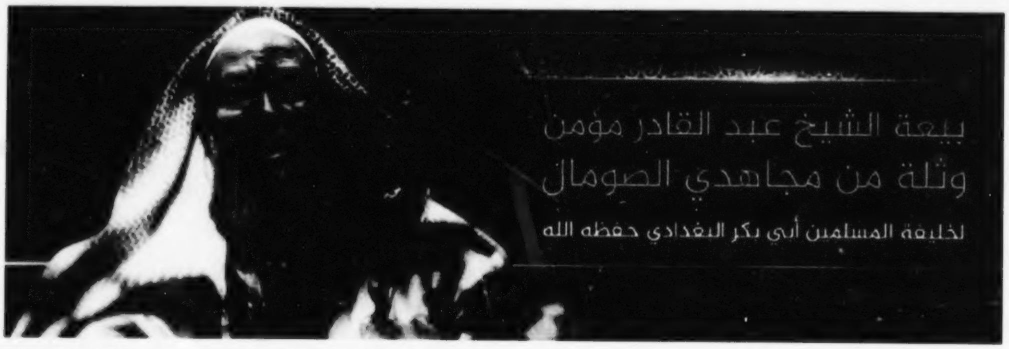
بيعة الشيخ عبد القادر مؤمن
وثلة من مجاهدي الصومال
لخليفة المسلمين أبي بكر البغدادي حفظه الله

Figure 2: Still from the ISIL faction's 15 April 2016 video, depicting the Abu Nu'man al-Yintari training camp in Puntland

Annex 1.3: Al-Shabaab Northeast (ASNE) in the Golis Mountains

13. In each of its final reports dating back to 2011, the Monitoring Group has reported on the state of the Al-Shabaab insurgency in Puntland, which it has termed Al-Shabaab Northeast (ASNE). Al-Shabaab often refers to the territory as the governorate (*Wilayah*) of "Sharqistan". While the heart of the insurgency is based in the Golis Mountains, southwest of Bosaso, Al-Shabaab also maintains a presence in other parts of Bari region, including Qandala district. In its 2015 report, the Monitoring Group highlighted its ongoing concern that the Golis Mountains served as a safe haven for Al-Shabaab fighters fleeing military pressure in south-central Somalia.[20] The strategic location and inaccessibility of the mountains allow the group keep a line of communication open to Yemen and Al-Qaida in the Arabian Peninsula.[21]

14. The town of Galgala, located roughly 30 km southwest of Bosaso, sits at the eastern gateway of the range of the Golis Mountains inhabited by the ASNE insurgency—stretching to Erigavo in Somaliland[22]—known locally as the Buuraha Cal Madow (BCM), or Black Mountains. The mountainous terrain has traditionally proven too challenging for Puntland forces to control effectively, while the fertile valley stretching between the mountains has permitted insurgents to sustain themselves indefinitely off the land.

15. On 24 February 2016, the SEMG undertook a mission to Galgala town, which had been occupied by Al-Shabaab prior to a major offensive by Puntland forces in October 2014. During the visit, the Group interviewed the commanders of the various Puntland units stationed in Galgala, including the Puntland Security Force (PSF), Puntland Maritime Police Force (PMPF), the *Darawish* (Puntland regular forces), and the Galgala Police. These interviews enabled the SEMG to establish an estimate of the current strength and leadership of the ASNE insurgency in the Golis Mountains, as well as the number, tactical disposition, and long-term strategy of Puntland forces stationed in the region.

Background: October 2014 and January 2015 Puntland offensives

16. In October 2014, a combination of Puntland forces totalling about 800 troops launched an offensive to recapture the town of Galgala from Al-Shabaab. The offense was spearheaded by 250 soldiers from the Puntland Security Forces (PSF), US-trained elite unit based in Bosaso, but also included *Darawish* and Galgala Police forces, as well as Western military advisors. The initial phase of the offensive reached as far as the town of, about 25 km west of Galgala, and resulted in the loss of 15 Puntland soidiers.[23]

17. In January 2015, Puntland forces resumed the offensive and pushed as far as the town of Dindigle, 25 km west of Galgala, but pulled back to Galgala shortly afterwards due to the unsuitability of the terrain to host a permanent military presence.[24]

18. On 20 June 2015, Puntland forces took control of Afurur, a town of about 2,000 people at the southern gateway to the Golis Mountains, after Al-Shabaab had executed a number of clan elders. Afurur had been a key

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[20] S/2015/801, paragraph 96.

[21] Ibid.

[22] Erigavo is considered the western gateway to the Golis Mountains, and the belief by the Puntland administration that Somaliland permits a "safe corridor" through which Al-Shabaab militants can travel into the mountains has caused considerable friction between the two regions. Local Puntland commanders in Galgala also believe that Somaliland authorities provide a safe haven for Al-Shabaab fighters, and that Erigavo functions as an "R&R" destination for militants. Letter from the Office of the President of Puntland to the SEMG, 17 August 2016; SEMG interviews with local military and police commanders in Galgala, 24 February 2016; SEMG interviews with a Puntland military commander and western military advisor, Bosaso, 23 February 2016.

[23] Interview with Puntland commanders in Galgala, 24 February 2016, and a Western military advisor in Bosaso, 23 February 2016.

[24] Ibid.

waypoint along Al-Shabaab's southern supply route into the Golis Mountains: "everything used to come through that place", one senior Puntland military officer told the SEMG.[25]

19. In 2015, Puntland forces killed 47 militants in the space of two months, with an additional 62 unconfirmed kills.[26]

Disposition of forces

20. In the Monitoring Group's 2012 final report (S/2012/544), the Group assessed the strength of the Golis Mountains insurgency to be approximately 200 fighters. The Group's interviews with local commanders during its visit to Galgala in February 2016 revealed that the strength of the Al-Shabaab insurgency had been reduced to between 70 and 100 fighters who had been pushed to between 35 and 60 km west of Galgala town. The nearest Al-Shabaab presence is in the town of Madarshoon, roughly 10 km northwest of Galgala town. As of February 2016, Puntland forces maintain a forward operating post at Dhegax Dhaabur, approximately 6 km to the west of Galgala town, between which points they conduct regular patrols.[27]

21. Puntland forces in Galgala also receive regular aerial support from reconnaissance aircraft operated out of Bosaso, as well as with respect to lethal kinetic operations. On 9 June 2016, for instance, an airstrike conducted by anti-Al-Shabaab forces targeted militant positions in the Golis Mountains, with unconfirmed casualties.[28]

22. According to local commanders, Al-Shabaab militants are mostly limited to small arms—AK-47s and PKMs—and do not have the capability of attacking Galgala directly. However, they will intimately lay IEDs along the route leading to the town (see Figure 4, below). On 25 May 2016, for instance, an IED struck a PMPF vehicle on the way to Galgala, killing two marines and injuring six others.[29]

23. Galgala and surrounding area, including the strategic town of Afurur, about 30 km to the southwest, is permanently garrisoned by approximately 450 *Darawish* soldiers, 200 Galgala Police officers, 100 PSF, and 100 PMPF troops. According to local commanders and a Western military advisor, between 50 and 60 families have returned after its liberation by Puntland forces in 2014, out of a pre-insurgency population of an estimated 400 families. However, at the time of its visit to Galgala in February 2016, the SEMG observed the town to be almost completely deserted of civilians. A majority of structures in the town were in a state of disrepair, with holes in roofs and walls common and piles of rubbish and detritus strewn in the streets. During its occupation of the town and the surroundings, local commanders told the SEMG that Al-Shabaab insurgents had destroyed farms and other agricultural infrastructure upon which the local people relied for their livelihoods, and that as a result the area is in a state of economic depression.

24. When asked about the area's greatest necessities, local commanders named roads, ammunition, emergency medical kits, hospital beds, ambulances, antibiotics, and road improvements. Aid for the reconstruction of houses, as well as the provision of agricultural tools, were also singled out.

The Galgala Police and Puntland's long-term strategy in the Golis Mountains

25. In 2014, the Puntland administration created the Galgala police, a 200-strong force made up largely of members of the Warsangeli clan native to the Galgala area, many of whom had previously fought against the

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[25] Ibid.

[26] Interview with a Puntland commander and a foreign military advisor, Bosaso, 23 February 2016.

[27] SEMG interview with Puntland *Darawish* commander, Galgala, 24 February 2016.

[28] "Somalia: Fighter jets target Al Shabaab in Puntland", *Garowe Online*, 11 June 2016. Available from http://www.garoweonline.com/en/news/puntland/somalia-fighter-jets-target-al-shabaab-in-puntland. Corroborated by a confidential international agency security report, 13 June 2016.

[29] Confidential international agency security report, 29 May 2016.

Puntland administration.[30] One senior commander in the Galgala Police told the SEMG that he had left Atom's insurgency in December 2011, once he realized that protecting potential mineral resources for the Warsangeli clan was not Atom's actual aim; in July the next year he joined the Puntland police in Bosaso. He related that other Warsangeli members of the Golis Mountains insurgency had become similarly disillusioned, and estimated that the number of Warsangeli clansmen still fighting for ASNE numbered not more than a dozen.[31]

26. While the Galgala Police received fourth-month training from the PSF, a US-trained and supplied unit, the salaries for the force are the responsibility of the Puntland administration. Consequently, the Galgala Police has suffered from the administration's overall difficulties in paying its security forces regularly during the present mandate, with many members of the force have reportedly deserted in order to find alternative employment in the security sector.[32]

27. The Galgala Police represents one tool in the Puntland administration's long-term strategy to defeat the ASNE insurgency in the Golis Mountains. By co-opting the Warsangeli clan into a tribal police force, the Puntland authorities hope to win over the local population by vesting the administration of law and in officers belonging to the native clan and possessing detailed knowledge of the physical terrain. According to Puntland commanders in Galgala interviewed by the SEMG, the long-term aim is also to cut off Al-Shabaab supply routes into the mountains, towards which the June 2015 seizure of Afurur had been an important step.[33]

ASNE leadership structure

28. In its 2014 final report, the Monitoring Group described Bashir Shire Maxamed (Harti/Deshishe), a former employee of Golis Telecom in Puntland, as the overall operational leader of ASNE.[34] The Group now assesses this role to be held by Omar Mohamed Aden (Isaaq/Haber Jaalo), using mobile phone selector 252907028923; the Group is yet to identify other biographical details pertaining to Aden. Mohamed Abdullahi Batar (Issaq/Haber Jaalo) is assessed to be Aden's deputy, and the overall head of military operations.[35] Bashir Shire Maxamed remains an active member of Al-Shabaab in the Golis Mountains.

29. Yassin Khalid Osman, a.k.a. "Yassin Kilwe", the former emir of the ASNE from 2010-2014, is no longer believed to be present in the Golis Mountains, but is reported to be located in south-central Somalia and in poor health. "Kilwe" had taken over leadership of the insurgency from Mohamed Said Atom, a former arms trafficker who had launched the Golis Mountains insurgency in 2010 primarily as a resource-based Warsangeli clan insurrection against the Puntland authorities. Atom, who was listed on the 1844 sanctions list until December 2014, has since received amnesty from the FGS; as of March 2016 is reported to be seeking asylum in Qatar.[36]

30. Through its interviews with Puntland military and police officials, as well as regional and Western intelligence sources, the Monitoring Group has established a picture of the current leadership hierarchy of ASNE:

(a) Omar Mohamed Aden (Issaq/Haber Jaalo): Emir of ASNE

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[30] Roughly 150 members of the force are native to the Galgala area, and many had served as fighters in Mohamed Said Atom's insurgency. Other clans represented in the Galgala Police include the Marjerteen, Deshishe, Dhulbahante, and Tinle. Interview with a senior Galgala Police commander in Galgala, 24 February 2016.

[31] SEMG interview with Galgala Police commander in Galgala, 24 February 2016.

[32] Interview with a member of the Puntland security services in Garowe, 25 February 2016, and with a senior Puntland official, Nairobi, 2 September 2016.

[33] Interview with Puntland military commanders in Galgala, 24 February 2016.

[34] S/2014/413, annex 1.4.

[35] Interviews with Puntland military commanders in Galgala, 24 February 2016.

[36] "Qatar grants asylum to former Somali rebel commander", *Hiiraan Online*, 5 March 2016. Available from http://www.hiiraan.com/news4/2016/Mar/104433/qatar_grants_asylum_to_former_somali_rebel_commander.aspx.

(b) Mohamed Abdullahi Batar (Dir/Gadabursi): Aden's deputy and overall head of military operations of ASNE

(c) Bashir Shire Maxamed (Deshishe): former manager in Golis Telecom, 2002-2012, ex-MP, worked at Golis' predecessor, Barkad prior to 2002

(d) Mohamed Ahmed Haji a.k.a. Kuwait (Majeerteen/Osman Mohamud): Leader of the *Amniyat*, director of intelligence for ASNE.

(e) Ali Ahmed Hassan "Ga'amey" (Harti/Tinle): involved in the creation in 2004 of the first Bosaso cell of Al-Itihaad al-Islamiya (AIAI), an ideological forerunner to Al-Shabaab.[37] As of February 2016, "Ga'amey" is reported to be based in the village of Madarshoon.

(f) Mukhtar Abdinur Ahmed a.k.a. Ahmed Guray: ASNE military commander; captured in Garowe 25 December 2014 while fleeing south from the Golis Mountains.[38] Puntland authorities reportedly later released Guray as part of an amnesty programme.

(g) Hassan Abdullahi a.k.a. Hamas (Hawiye/Hawadle) part of an ASNE tasked with eliminating Mumin's faction in Qandala/ Beledediin, Bari region

(h) Ali Macane (Issaq/Haber Jaalo): from Burao, Somaliland; other details currently unknown

(i) Yasin Mohamud Abdi: head of an ASNE force in Bari region (unconfirmed)

(j) Abdullahi Saxiibow (Issaq/Haber Yunis): leader of a logistics/ transportation team based near Erigavo (Daallo Mountain)

(k) Harun Dheere: native of Puntland; other details currently unknown

(l) Hassan Afgoye: Member of Al-Shabaab's Shura Council and head of its Finance Department. On 20 November 2015, the US Department of State offered up to a USD 5 million bounty for information on the whereabouts of Afgoye.[39] Although multiple SEMG sources have placed Afgoye in the Golis Mountains during this mandate, his exact role within ASNE is currently not understood.

(m) Yassin Khalid Osman "Kilwe" (Warsangeli/Dubeis/Hanif): close relative of former Al-Shabaab emir Ahmed Godane. Sent to the Golis Mountains in early 2010 by Godane with 40 fighters to assume the leadership of Mohamed Said Atom's insurgency.[40] Since 2014 "Kilwe" no longer holds the position of emir of ASNE, and is reported to be located in southern Somalia and in ill health.

31. Annex 1.3.a (strictly confidential) presents a link chart of interactions between several ASNE members, as well as a member of Abdulqadir Mumin's ISIL faction, based on mobile phone records dating between February and July 2016. However, the limited amount of available calling events—partially due to the frequency with which members of Al-Shabaab change mobile selectors in order to avoid detection—has made it difficult for the Monitoring Group to conduct a robust network analysis of ASNE.

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[37] Ibid

[38] SEMG interview with a Western military advisor, 13 September 2015. Guray's release was also reported in local media. Khalid Yusuf, "SOMALIA: Puntland army captures strategic Al Shabaab camp", *Horseed Media*, 7 January 2015. Available from https://horseedmedia.net/2015/01/07/somalia-puntland-army-captures-strategic-al-shabaab-camp/.

[39] U.S. Department of State, "Rewards for Justice - Reward Offers for Information on al-Shabaab Key Leaders", press release, 20 November 2015. Available from http://www.state.gov/r/pa/prs/ps/2015/11/249374.htm.

[40] S/2013/413, annex 1.7.

Figure 1: Detailed map of the Golis Mountains region (coordinates provided to the SEMG by the Puntland Security Services)

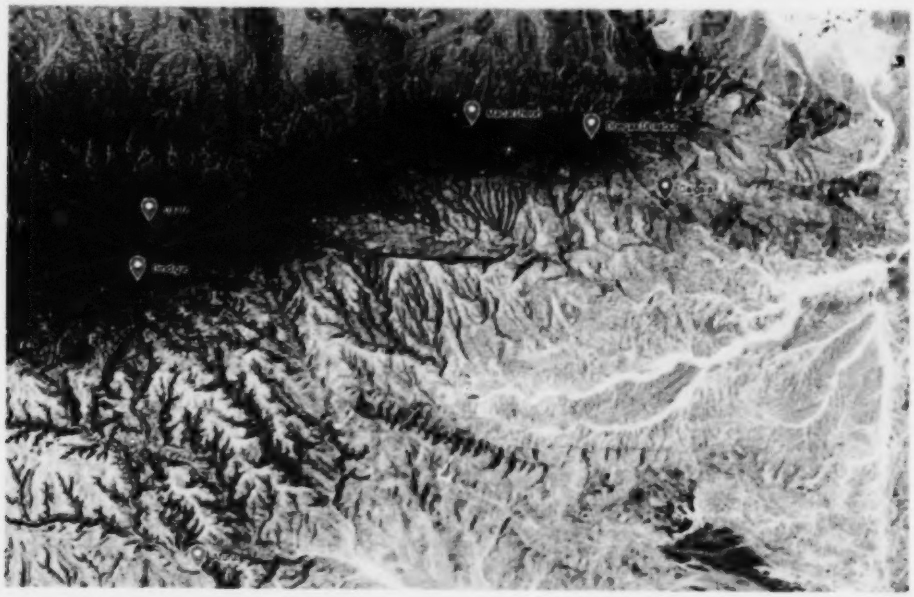


Figure 2: Location of Galgala within Puntland

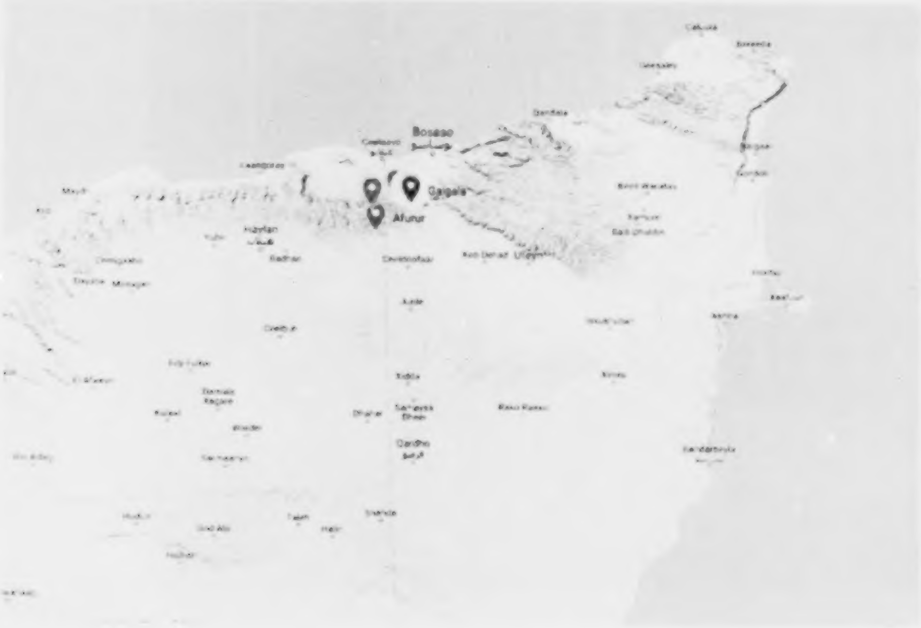


Figure 3: Members of the Puntland Security Forces (PSF) at the entrance to the Golis Mountains, 24 February 2016

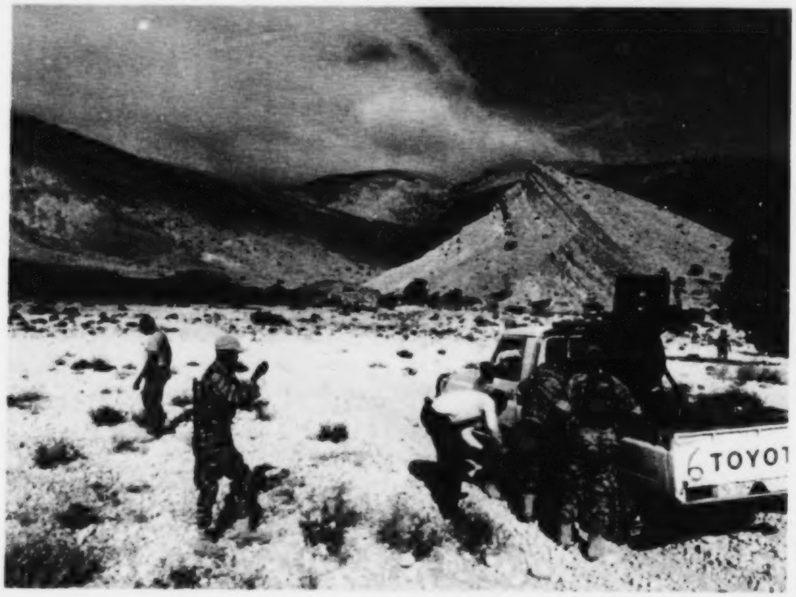


Figure 4: Remnants of a vehicle destroyed by an Al-Shabaab IED on the route to Galgala town

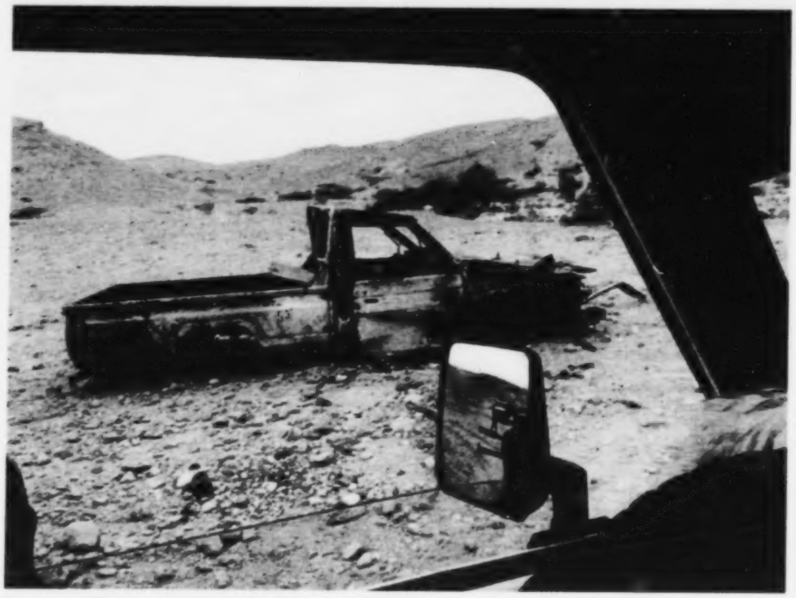


Figure 5: Former school classroom in Galgala, covered with graffiti, used as living quarters by Al-Shabaab during their occupation of the town prior to October 2014

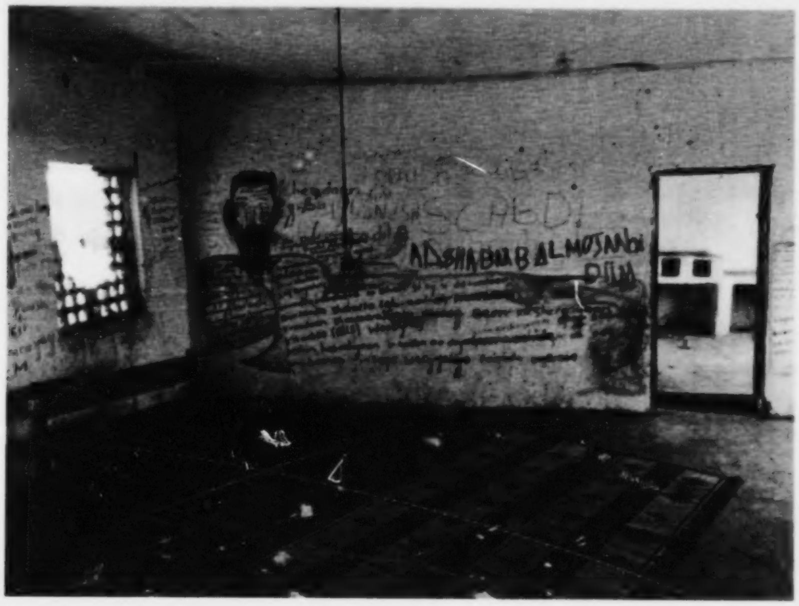
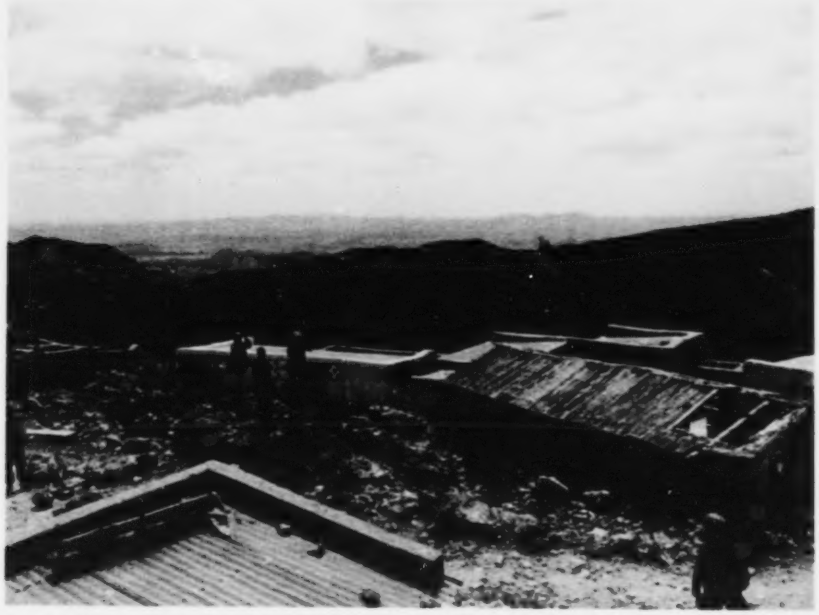


Figure 6: Puntland soldiers in Galgala town, 24 February 2016



Annex 1.3.a: (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 1.4: March 2016 incursion into Puntland by Al-Shabaab's Khalid ibn al-Walid brigade

32. On 13 March 2016, an Al-Shabaab unit calling itself the Khalid ibn al-Walid brigade—named for a companion of the prophet Mohammed—launched an amphibious operation followed by a short incursion into Puntland. Departing in five dhows from Harardhere district, approximately 350-400 fighters travelled by sea to two points along the Puntland coast several hundred kilometres north. After landing, the Al-Shabaab forces, who lacked land vehicles or a logistical supply chain, were quickly cornered and decisively defeated by Puntland forces. Hundreds of militants were killed during the operation and approximately one hundred taken into custody by the Puntland administration.

33. On 10 and 11 May 2016, the Monitoring Group interviewed six detainees held in Garowe prison by Puntland authorities. Based on these interviews, as well as interviews with the Puntland authorities, NGOs, military and international naval sources, the SEMG has determined that the likely aim of Khalid ibn al-Walid operation was to attack and eliminate Abdulqadir Mumin's Islamic State in Iraq and the Levant (ISIL)-aligned insurgent group located in Puntland's Bari region. It is probable that the brigade intended to join the Al-Shabaab insurgency in the Golis Mountains following the destruction of Mumin's faction.

Description of the operation

34. According to NGO sources, on 11 March 2016 Al-Shabaab cut off telecommunications in Hobyo and Harardhere districts, raising fears amongst locals that the group was preparing for an imminent offensive.

35. On 13 March, approximately 350-400 Al-Shabaab fighters put to sea from Haradhere district in five fishing dhows that had likely been commandeered, or perhaps hired, from Yemeni or Somali fishermen.[41] As is typical during an Al-Shabaab operation, the rank-and-file fighters were not informed of their final destination or mission objective, and their mobile phones were confiscated prior to setting out in order to prevent them from disclosing the group's movements.[42]

36. At approximately 18:30 on 14 March, four of the five dhows offloaded at Garacad and the militants assumed control of the town. Upon taking over Garacad the militants cut off all telecommunications, a standard Al-Shabaab tactic aimed at preventing information from reaching local authorities and thereby hindering the coordination of a response. On 15 March, the militants advanced north on foot 10 km from Garacad and seized the village of Kulub.

37. The fifth dhow, *Al Ramadan*, continued over 200 km further north by sea, disembarking at approximately 10:00 on 15 March at the village of Garmaal, roughly 100 km southwest of Bandarbeyla. According to an Al-Shabaab fighter who was present on *Al Ramadan*, the dhow held between 80 and 100 fighters, most of who were children (see annex 7.2 for a discussion of evolving patterns in Al-Shabaab recruitment and use of children).[43] The fighter recounted that after receiving lunch the attack group was informed they would proceed to the nearby

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[41] Puntland authorities provided the names of four of the five dhows: *Al Marajaan*, *Alula*, *Al Fowz*, and *Al Ramadan*. EUNAVFOR confirmed that some dhows by the same names had been the subjects of past friendly boardings by the international naval vessels. However, they were unable to confirm whether the dhows employed by Al-Shabaab were the same as those previously encountered, due to the commonality of their names. The SEMG obtained March 2016 phone records (252907313101) for an individual on board the dhow *Alula* during the operation, reported by Puntland authorities to be a brother of the owner of the dhow, Abdi Mire Hussein. However, examination of the records did not reveal any linkages between the individual and any known members of Al-Shabaab.

[42] SEMG interviews with fighters who took part in the operation, Garowe, 10 and 11 May 2016.

[43] Interview by the SEMG with Al-Shabaab detainee Mohamoud in Garowe, 11 May 2016.

village of Suuj on foot.[44] After a night march the group arrived in Suuj at 08:00 on 16 March, at which point they were engaged by Puntland forces.[45]

38. The Puntland administration responded swiftly to the invading forces, launching a military operation dubbed *"Hawlgalkii Danab"*, or "Operation Thunder". Hundreds of soldiers from the *Darawish*, the Puntland regular forces, set out towards Garacad from Galkayo, Garowe, and Qardho, accompanied by dozens of battlewagons. These forces retook Garacad without resistance before engaging the Al-Shabaab militants on 17 March at locations near the town, including at the village of Kulub. Intense fighting between Puntland forces and Al-Shabaab continued in the area over the following five days.

39. To the north, the PSF and PMPF, elite units based in Bosaso, in addition to *Darawish* units, proceeded south towards the second Al-Shabaab column, and intercepted it on 16 March. Clashes at Garmaal and the nearby village of Suuj continued until 20 March.

40. Armed only with light weapons consisting of AK-47 assault rifles, PKMs, and RPG-7s, lacking in vehicles or other logistical support, and with their backs to the sea, the Al-Shabaab forces were decisively defeated by the Puntland security services on both fronts. The chief of the *Darawish*, General Said Mohamed Hirsi, reported the total number of Al-Shabaab militants killed during "Operation Thunder" to be 208, with Puntland suffering the loss of 20 soldiers.[46] The majority of these casualties occurred during the fighting near Garacad; a Puntland military commander present during this fighting reported personally counting the bodies of militants, which he numbered at 176, with an additional 49 attackers captured.[47] It was not possible for the Monitoring Group to independently verify the number of militants killed.

41. Following their defeat in Puntland, a group of surviving militants fled south, attempting to return to their base in Harardhere district, but were intercepted by forces of the Galmudug Interim Administration (GIA), who engaged them on 24 March at Af-Barwaqo village (140 km northeast of Hobyo). On 28 March, the GIA officially announced that its forces had killed 115 militants and captured 110 others over the course of four days of fighting.[48] As was the case in Puntland, many of the captives were assessed to be minors, 44 of whom were later transferred to a UNICEF-supported reintegration centre in Mogadishu.

42. Nearly three weeks passed before Al-Shabaab claimed responsibility for the botched incursion; on 2 April, Al-Shabaab spokesman Sheikh Ali Dheere spoke to Al-Shabaab-affiliated media, acknowledging that "crusader forces" had defeated the "Mujaahidiin" and encouraging the maintenance of morale.[49]

Leaders of the operation

(a) "Omar": overall commander of the operation, aged approximately 45-50 years old; average height; roughly 75 kg. Escaped to the south during the fighting at Garacad; current whereabouts are unknown.

(b) "Abu Layth": Deputy of "Omar". Aged approximately 40 years old. Confirmed killed during the fighting at Suuj.

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[44] Ibid.

[45] Ibid.

[46] "Somalia: Puntland ends anti-al Shabaab military operations, over 200 militants killed", *Horseed Media*, 24 March 2016. Available from https://horseedmedia.net/2016/03/24/somalia-puntland-ends-anti-al-shabaab-military-operations-over-200-militants-killed/.

[47] SEMG interview with a Puntland military commander, Nairobi, 7 April 2016.

[48] Galmudug Interim Administration, "GalMudug declares that it concluded the fight against Al-Shabaab militia that fled from Puntland areas", press release, 28 March 2016. Available from http://allafrica.com/stories/201603280382.html.

[49] Calamada, "Sheekh Cali Dheere Oo Jeediyey Kalimad Muhiim Ah(Kalimad+Warbixin)", 2 April 2016. Available from http://calamada.com/?p=55250.

(c) "Jabir": military commander from Bay/ Bakool regions; perhaps leader of a unit originating in Belet Weyne. Between 25 and 30 years old. Confirmed killed during the fighting at Suuj.

(d) "Numaan": perhaps from Hiran region. Present at fighting in Garacad. Between 35 and 40 years old. Accompanied unit from training camp at Bula Fulay to Harardhere district.

43. The Al-Shabaab detainees interviewed by the Monitoring Group were unaware of the full names of their leaders or from whom higher in the command chain they had ultimately received their orders.

44. The SEMG confirmed the names of the operation's leaders—specifically "Omar", "Abu Layth", and "Numaan"—with a Western military source, who confirmed that these three leaders had been previously unknown. However, both "Omar" and "Abu Layth" had evidently been tasked by Macalin Jawno, Al-Shabaab's head military (*Jaysh)* commander for Bay and Bakool regions.[50] That the Khalid ibn al-Walid brigade would have been under the overall command of the Jawno is supported by the fact that a significant number of its members had been transported from the training camp near Bulo Fulay in Bay region; four of the six Al-Shabaab detainees interviewed by the SEMG reported having received training there.[51]

Objective of the operation

45. Following the attack, there was considerable confusion as to why the Al-Shabaab forces had committed a seemingly obvious tactical mistake by coming ashore at Garacad and Suuj, where their lack of vehicles or heavy weapons rendered them imminently vulnerable to Puntland forces. The SEMG's interviews with detained Al-Shabaab militants, as well as its consultations with the international naval forces, confirmed that the leaders of the incursion believed that an intercept at sea by the naval forces was imminent. Prior to disembarking at Garacad, one detained fighter described to the SEMG how the operation leader "Omar" publicly addressed the fighters on the dhow, announcing that the "enemy European ships" were close at hand, and that the remainder of the journey would have to be made on foot.[52] A representative of EUNAVFOR, the European Union's counter-piracy mission off the coast of Somalia, confirmed that a marine patrol aircraft had overflown the area being traversed by the dhows, and was in likelihood spotted by the militants whilst at sea.[53] It is likely that this flyover created the false impression that a naval interdiction was imminent, and spurred the decision by the leaders of the operation to order the dhows ashore prematurely. However, it is also possible that overloading of the dhows, as well as mechanical or navigational impediments, contributed to the decision to go ashore.

46. While the intended disembarkation point of the mission is still uncertain, it is probable to have been somewhere in Puntland's Bari region, particularly if the mission's overall objective was the elimination of Abdulqadir Mumin's faction. One detained fighter claimed that the intended disembarkation point was Habo, a town on Puntland's north coast lying between Alula and Qandala—the latter being one of the centre of operations for Mumin's ISIL faction.[54] Had the brigade managed to reach the northern part of Bari region, which is inhabited by Mumin's Ali Salebaan clan, openly hostile to the Puntland administration, it is unlikely that Puntland forces would have been able to intercept the militants without meeting strong local resistance.

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[50] Information provided to the Monitoring Group by a Western military source, 16 May 2016.

[51] Bulo Fulay, an Al-Shabaab stronghold, was the location of a group execution in June, when the group executed seven of its members for allegedly assisting in U.S. aerial drone strikes. "Al Shabaab executes 7 for spying and helping US drone strikes", *Shabelle News*, 11 June 2016. Available from "http://www.shabellenews.com/2016/06/al-shabaab-executes-7-for-spying-and-helping-us-drone-strikes/.

[52] SEMG interview with Al-Shabaab detainee Yahya in Garowe, 11 May 2016.

[53] SEMG interview with an EUNAVFOR officer, NATO Headquarters in Northwood, 24 June 2016.

[54] SEMG interview with Al-Shabaab detainee Buruj, Garowe, 10 May 2016. A senior officer of the Puntland Maritime Police Force (PMPF) also postulated that Habo was the militants' destination in an interview with the SEMG, Bosaso, 16 April 2016.

47. Several Al-Shabaab detainees interviewed by the Monitoring Group, as well as members of the Puntland security services, stated that the Khalid ibn al-Walid brigade likely intended to join the Al-Shabaab Northeast (ASNE) insurgency in the Golis Mountains following the successful elimination of Mumin and his loyalists.

Composition of the Al-Shabaab force and fate of the detainees

48. The Al-Shabaab detainees interviewed by the SEMG consistently reported a range of between 350 and 400 for the total strength of the invading force, a figure also consistent with the likely carrying capacities of the dhows.[55] The majority of these fighters landed at Garacad, while one dhow, carrying perhaps 80-100 fighters, proceeded further north to Garmaal.

49. While it was reported in local media that foreign fighters were present among in the invading forces,[56] particularly light-skinned Arabs, none of the detainees held in Puntland custody were non-Somalis. Nor did any of the detainees interviewed by the Monitoring Group indicate seeing any non-Somalis among either the fighters. However, several interviewees noted that they believed the crew members of the dhows that transported them spoke in Arabic, indicating that the dhows were possibly Yemeni fishing vessels either commandeered or hired by Al-Shabaab.[57]

50. At the time of the SEMG's visit to Garowe on 10 and 11 May, 97 militants from the abortive operation were being held in the city's prison. According to a senior Puntland prisons official, the detainees originated mostly from Gedo, Bay, Bakool, and Lower Shabelle, with the majority—roughly four-fifths—hailing from the Rahanweyn clan, which has traditionally supplied a significant percentage of Al-Shabaab's rank-and-file soldiers.[58] Fifty-nine of the prisoners had been classified as aged 10-18, and were accordingly being held in a separate prison block, though Puntland authorities told the Monitoring Group that the lack of proper birth records in Somalia makes the precise determination of age impossible.[59] At the time of the SEMG's visit, the Group observed the children to be kept in sanitary conditions, allowed to attend school lessons and engage in sport. Both UNICEF and UNODC were allowed access to the children, and had begun the process of informing their families of their location. However, as of the publication of this report, the Puntland administration had not yet settled on a long-term course of action for the rehabilitation and reintegration of the children, electing not to send them to a reintegration facility operated under the aegis of the FGS.

51. On 19 June 2016, a Puntland court sentenced 43 of the detainees to death.[60] The Monitoring Group is concerned that some of those designated for execution appear to be minors. At the time of writing, the sentences are yet to be carried out; however, a Puntland representative informed the Group in September 2016 that the administration intended to proceed with the executions, particularly in light of a twin Al-Shabaab suicide bombing in Galkayo on 21 August.[61] The Puntland representative also told the SEMG that the administration had no intention to transfer the 59 detained minors to a rehabilitation centre in Mogadishu, which he referred to as

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[55] While the figures for killed and captured Al-Shabaab fighters given by the regional administrations of Puntland and Galmudug would suggest a total Al-Shabaab force of well over 600, it is probable that these figures were exaggerated.

[56] For instance, the mayor of Garacad reported to a local journalist interviewed by the SEMG by phone on 15 March 2016 that "white soldiers" were present among the forces in his town.

[57] Multiple sources, including the international naval forces, have suggested to the SEMG that the pirate kingpin Mohamed Osman Mohamed "Gafanje" had been responsible for arranging the dhow transport on behalf of Al-Shabaab. However, the Monitoring Group has been unable to substantiate these claims. "Gafanje's" criminal activities have been documented in detail in the Group's previous three final reports (S/2013/413, S/2014/726, and S/2015/801).

[58] Interview with senior Puntland prisons official, Garowe, 10 May 2016.

[59] SEMG interview with a senior official in the Puntland Ministry of Justice, Garowe, 10 May 2016.

[60] "Somalia: Puntland court sentences 43 Al Shabaab fighters to death", *Garowe Online*, 19 June 2016. Available from http://www.garoweonline.com/en/news/puntland/somalia-puntland-court-sentences-43-al-shabaab-fighters-to-death

[61] SEMG interview with Deeq Yusuf, Chief of Staff to the President of Puntland, Nairobi, 2 September 2016

"revolving doors", and said that requests had been made for the international community to build a rehabilitation facility in Puntland.[62]

Significance of the operation

52. While in the past Al-Shabaab has undertaken small-scale movements by sea, the Khalid ibn al-Walid brigade's incursion into Puntland marked Al-Shabaab's only major maritime operation during the group's existence. The group's lack of experience in seafaring was evident in the botched execution of the operation: the panic caused by the non-existent threat of an international naval interdiction, as well as the possible overloading of the dhows and mechanical failures, resulted in a premature disembarkation that effectively turned the brigade's expedition into a suicide mission.

53. The total destruction of the Khalid ibn al-Walid brigade represented a significant loss in manpower for Al-Shabaab; at 400-strong, the brigade perhaps comprised as much as between 5 and 10 per cent of Al-Shabaab's total fighting strength. With at least several hundred militants giving themselves up to Puntland and Galmudug authorities, it was also the largest instance of an Al-Shabaab surrender in the group's history.

54. For the most part, however, the participants in the mission were low-ranking members of Al-Shabaab, many recently trained and in some cases compelled or press-ganged into service; a significant number were children. No known senior Al-Shabaab leader was present on the mission.

55. Given the failure of the Khalid ibn al-Walid brigade to reach its objective and the high cost of its loss to Al-Shabaab, the Monitoring Group assesses it as unlikely that the group will attempt to mount a similarly large-scale maritime operation in the foreseeable future.

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[62] Ibid.

Sidebars: Testimony from Al-Shabaab detainees in Garowe prison[63]

Mohamoud, aged 24 years, from Merka, Lower Shabelle region:

One day in February Al-Shabaab came to Merka. They arrested me and held me in custody for 19 days. They offered me a choice: be killed or work with us.

They trained me on how to use an AK-47 in Bulo Fulay camp. They used to blindfold our eyes when we entered and left the camp. We received 15 days of training, after which they loaded us into trucks and took us to Harardhere. It was a nightmare. When they loaded us onto the boats, they told us our commanders would be Abu Layth and Jabir. Then they took our phones away.

...

On the boats, everything went wrong. Some of us were vomiting. There were 80-100 of us, almost all children. Some of them were forcibly recruited, some abducted, some brainwashed.

In Suuj, the fire was like rain. I'm sure that Jabir and Abu Layth were killed. When I surrendered, they told me I was in Puntland. I thought I was somewhere near Belet Weyne.

Buruj, aged approximately 60 years, from Alula, Bari region

I was a fisherman in Harardhere. I joined Al-Shabaab in 2014 for the benefits for my family. The pay depended on the work; normally, just rice or pasta. At the end of each month we sometime received some amount of money, not more than USD 30.

...

I refused to go to Puntland, but then they forced me to go. We left from Haradhere, maybe 300 to 400 of us in five boats. We went ashore at Suuj because they feared the EU ships; they said we had to go the rest of the way on foot.

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[63] Full names have been withheld in order to protect interviewees.

Mohamed, from Sablale, Lower Shabelle region

I joined Al-Shabaab willingly six months ago, in Sablale. I was in the village, the clerics there were mobilizing us, talking about jihad, telling us about Jinnah [paradise]. Sometimes my village was under the control of Al-Shabaab, sometimes the FGS. The federal police were telling me that I was Al-Shabaab, questioning me, saying that people were informing on me. So I thought that I might as well become Al-Shabaab.

…

I trained for 18 days near Bulo Fulay, in a camp in the forest. There were almost 60 people at the camp. The training was in the AK-47, a basic military course. After graduation, some senior commanders told us we were moving. They distributed military uniforms and arms. They loaded us in six trucks, and we were brought to Gal Hareeri [Harardhere district] by a commander named Numaan, who rode in a luxury car. When we got to Harardhere, there were between 360-380 fighters there. The people there were strange, very secretive. We didn't chat with one another.

Ali, aged approximately 50 years, from Hargeisa, Somaliland

I joined Al-Shabaab near Buale six months ago, in September 2015. Before that I was a shopkeeper in Hargeisa. I saw that our neighbouring countries were coming in to take over Somalia. It was terrible. The only option is Al-Shabaab. For more than 20 years we have been waiting for Somali leaders to resolve our problems.

…

I received three months' basic military training outside of Sakow [Middle Juba]. About one month after the training, I joined the Khald ibn al-Walid brigade. It was a top secret group; they never told us where we were going or how many troops were part of the brigade.

Figure 1: Puntland military vehicles near Garacad, March 2016

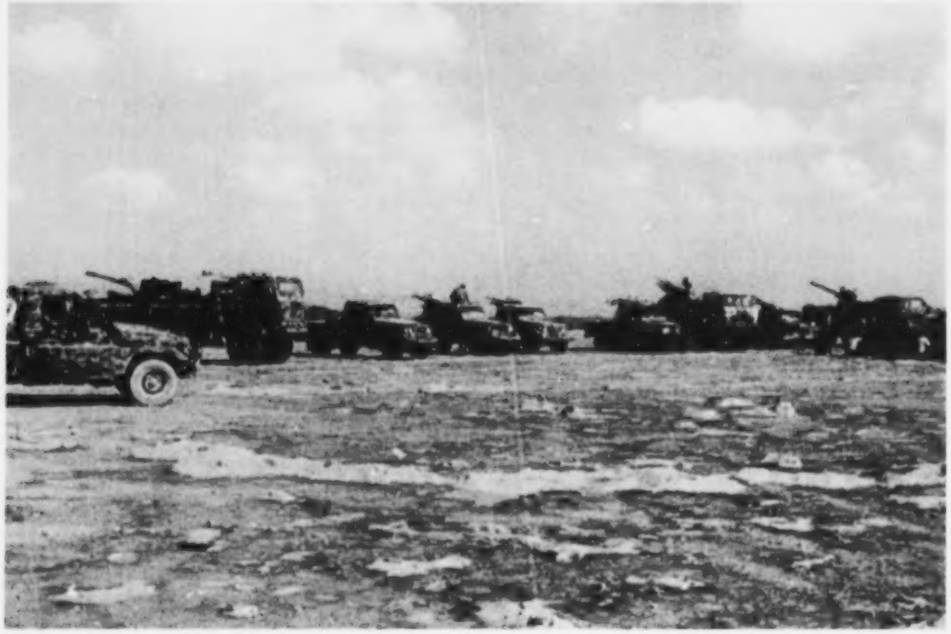
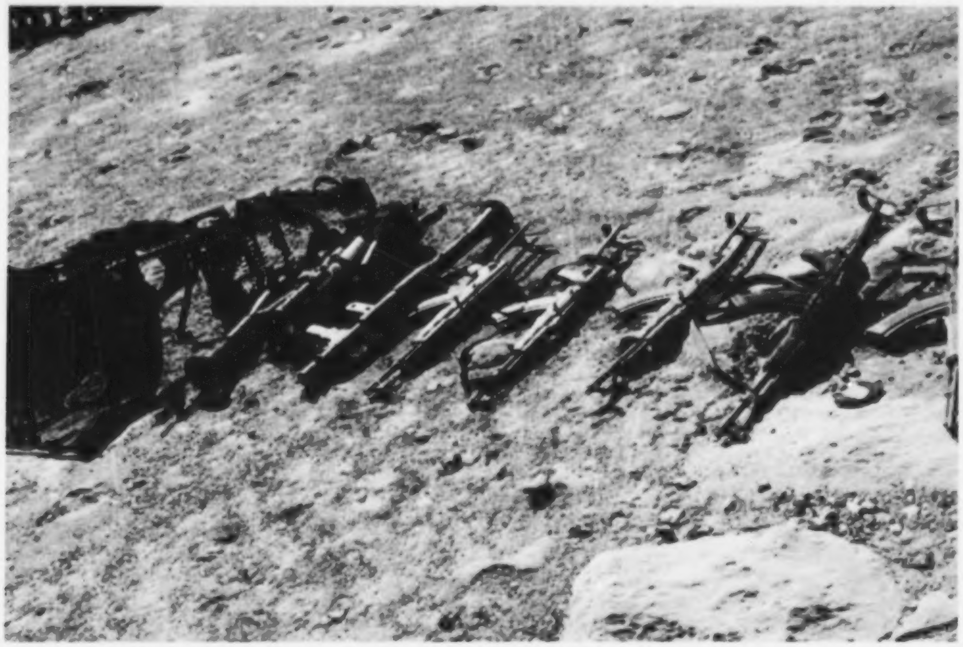


Figure 2: Weapons and an Al-Shabaab banner captured from the Khalid ibn al-Walid brigade



Annex 1.5: Puntland's catch-and-release policy (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 1.6: Al-Shabaab's expenditure and sources of revenue

56. Al-Shabaab continues to diversify its sources of income. Kismayo port and Mogadishu were for years the major source of Al-Shabaab revenues, but since losing them, Al-Shabaab has developed a functional and adaptable taxation system in the areas still under its control. The continuing use of informal *hawala* money remittance methods and mobile banking service providers in Somalia makes it difficult for authorities, in Somalia and abroad, to detect and disrupt Al-Shabaab money flows. The Monitoring Group has conducted interviews with former and current members of Al-Shabaab in Somalia and abroad in order to uncover recent sources of revenues and expenditure of the group. The Monitoring Group also corroborated this with information received from Member States' relevant intelligence and law enforcement agencies.

Expenditure

57. Al-Shabaab remains capable of providing regular remuneration to its operatives, making it a potentially appealing alternative for members of the security forces seeking a more secure income, including Somali National Army (SNA) soldiers. Al-Shabaab monthly salaries currently range from approximately USD 50 for a foot soldier to approximately USD 1,000 for senior officers and certain tax collectors, with the majority of the estimated 4,000 to 7,000 operatives receiving USD 100.[64] Al-Shabaab has abandoned its previous reticence to using mobile money, and majority of the salaries are currently paid via Hormuud Telecom's EVC Plus service at the end of each Islamic calendar month.[65] Performance-based rewards are also paid; surviving participants of the El Adde campaign each received a USD 200-USD 400 bonus.[66] Al-Shabaab has also been known to have paid signing bonuses of USD 400 for new recruits, as well as occasional compensation to the families of suicide bombers.

Revenues

58. Al-Shabaab collects revenue via direct taxation, extortion, commerce and external support. Zakat[67] is collected by designated Al-Shabaab units in the areas under its control. Other forms of taxation cover nearly all aspects of life of the people living in areas controlled by Al-Shabaab including, for example, use of the village water well. The value of Zakat collected from local population has soared while many of the public services previously provided by Al-Shabaab in return have diminished.

59. All forms of business enterprises are also taxed by Al-Shabaab, including in some areas not directly under its control. Using the threat of violence to ensure compliance, Al-Shabaab tax collectors contact businessmen, usually by mobile phone, and let them know the total sum expected. The owner of the Naso Hablod Hotel in Mogadishu was called by Al-Shabaab tax collectors prior the attack on 25 June 2016 and refused to pay the requested amount.[68]

60. Al-Shabaab continues to operate road checkpoints throughout areas under its control. It is also capable of establishing temporary mobile roadblocks on almost any road in southern and central Somalia. The checkpoints run by Al-Shabaab have proven to be relatively safe and more organized than checkpoints run by the FGS or clan militia, and local population tends to prefer the roads traversing regions controlled by Al-Shabaab.[69] The usual

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[64] Interviews conducted on captured members of the group in Mogadishu in February and the interview with a human source in London on March

[65] Commonly used mobile banking service provided by Hormuud, the biggest telecommunication company in Somalia. Account balance is limited to USD 300, but the number of accounts a client can have is not limited

[66] Interview conducted in Mogadishu on 24 July 2016.

[67] Customarily Zakat is calculated at 2.5 per cent of an individual's wealth—including, for example, property and livestock—above a certain threshold referred to as '*nasib*'. Al-Shabaab has during recent years announced to have collected 8-9 million USD worth of zakat in the areas it controls.

[68] The exact amount is not known, but usually, in cases like these, the requested amount would be about USD 5,000.

[69] A source described a journey made by the road from Mogadishu to Jowhar. After numerous disorderly checkpoints they arrived to area controlled by Al-Shabaab. The soldiers at the first checkpoint charged them USD 30 and gave them receipt, that they showed on the following checkpoint thus succeeding in avoiding any further payments. A similar

charge for a vehicle is up to USD 30 while civilian trucks are required to pay up to USD 1,500 depending on the capacity of the truck, not the goods it is carrying. According to one assessment made by a private consultancy, Al-Shabaab collected an estimated USD 3 million in 2015 from checkpoints along the road between Belet Weyne and Mogadishu alone.[70]

61. Accurate figures of the diaspora remittance to Al-Shabaab are not known. Given the absence of pre-trial investigations related to financing of Al-Shabaab among the diaspora, as well as the growing popularity of ISIL in the eyes of the radical Somali living abroad,[71] the Monitoring Group believes that only a limited portion of Al-Shabaab's budget is being derived from the diaspora. However, *hawala* agents remitting an estimated USD 1.2 billion to USD 2 billion annually are known to pay business taxes in proportion to their profits.[72] On some occasions additional taxation was conducted by physically taking a portion of funds paid out by *hawala* agents.[73]

62. While the Monitoring Group assesses that Al-Shabaab revenues gained from charcoal to have declined, it has been compensated by taxation of sugar trade, agriculture and livestock. For more information on Al-Shabaab's revenues on natural resources, see Section II. Acts that threaten the peace, security and stability of Somalia / E. Natural resources.

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procedure is described in: Transparency Solutions, "Beyond Isbaaro: Reclaiming Somalia's Haunted Roads", 2016 (unpublished). See annexes 6.1. and 6.3. for more information on impact of Al-Shabaab checkpoints on humanitarian access and increasingly aggressive taxation practices.

[70] Ibid.

[71] While the number of the foreign terrorist fighters assessed to have travelled from Somalia to Syria is 70, the majority of the Somali contingent within the Islamic State originates from the diaspora. The phenomena is known to most intelligence services operating in countries with a Somali diaspora. The Soufan Group, "Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq", December 2015.

[72] On a regular *hawala* transaction the commission fee is 4-5 per cent of the remittance value. On larger amount the commission can be as low as 1.5 per cent. 40-65 per cent of the commission is paid to the company, while the remaining commission belongs to the agent.

[73] Interviews conducted on *hawaladars* in Minnesota (May 2016) and Stockholm (June 2016). In one of the cases, USD 20 was taken out of from the beneficiary from the remittance worth USD 100.

Annex 1.7: Mohamed Abukar Zubeyr

63. In its 2014 final report, the Monitoring Group reported that an individual by the name of Mohamed Abukar Zubeyr had carried out a suicide bombing at the Bosasso Central Police station on 4 August 2014, attributed to Al-Shabaab.[74] The Monitoring Group included in its report an image of Zubeyr's passport, provided by Puntland authorities and confirmed by a Member State.

64. On 16 November 2015, a Somali media outlet, Horn Observer, contacted the Monitoring Group claiming that the individual in the passport was alive and serving as Director General at the Ministry of Constitutional Affairs of the FGS. The SEMG met with Zubeyr on 3 and 21 December 2015, and inspected his passport, concluding that he was indeed the same individual identified in the 2014 final report as the Bosasso suicide bomber. The SEMG immediately undertook to investigate the matter, as noted in its December 2015 as well as January and February 2016 monthly updates to the Committee.[75]

65. On 16 January 2016, the Puntland administration sent a response to the SEMG's request for a clarification on the incident, which included a 10 August 2014 police report on the bombing identifying the actual perpetrator as Abib Abdulahi, an Ethiopian national.

66. In a 5 April 2016,[76] the Monitoring Group informed the Committee of its investigation and recommended that the Committee issue a press release clarifying the matter. On 14 April, the Committee issued a press release stating that Zubeyr had not carried out the Bosasso attack.[77]

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[74] S/2014/726, annex 1.4.

[75] S/AC.29/2016/NOTE.4, S/AC.29/2016/NOTE.8, and S/AC.29/2016/NOTE.12, respectively.

[76] S/AC.29/2016/SEMG/OC.27.

[77] Available from http://www.un.org/press/en/2016/sc12322.doc.htm.

Annex 2

Security Sector

Annex 2.1: Somali National Army composition and strength

1. The FGS has yet to provide "full and accurate information on the structure, composition, strength and disposition of its security forces, including the status of regional and militia forces" despite its obligations pursuant to resolution 2093 (2013) and most recently reiterated in resolution 2244 (2015) to do so every six months.[78]

2. Within Mogadishu many individuals on SNA payrolls are concurrently employed by private security firms or serve FGS or Benadir Regional Administration (BRA) officials, members of parliament (MPs) or the business community. Such individuals may or may not be called upon to serve in active units if needs arise.[79] Over a quarter of the nearly 22,000 troops the FGS reports to be serving the SNA are stationed in or on the outskirts of Mogadishu yet there are—as far as the Monitoring Group can ascertain—no permanent barracks in the city, nor regular roll calls besides when salary or stipend payments are being distributed.[80]

3. Beyond Mogadishu, the extent to which individuals on SNA payrolls serve a tangible national force varies over time and place, in line with local conflict dynamics, the current level of threat, and regularity of reimbursement. The introduction of biometric databases (see below) has reduced the prevalence of 'ghost soldiers'. However, at any one time a significant proportion of the SNA serves in a freelance capacity, 'on call' to varying degrees if required though always ready to collect salary or stipend payments when available. Based on multiple factors, including the estimated time in which a soldier has been 'on duty', commanding officers will often assume a proportion of such payments.[81]

4. Given the nature of its current modus operandi, neither the SNA leadership, nor the Ministry of Defense, nor the Office of the National Security Advisor (NSA) are able to accurately determine the number of active troops serving within its national security forces at any one time. Their ability to accurately report on the status of "regional and militia forces" depends entirely on their ability to extract accurate information from regional administrations with whom relations vary, and all of which face similar challenges determining the status of their own regional forces to those described above.

5. The decision to maintain the partial lifting of the arms embargo for the FGS' security forces must, therefore, be made with full awareness of the inability of the FGS, or indeed any other actors including the Monitoring Group, to provide accurate information on the structure, composition, strength and disposition of either national security forces or regional and militia forces.

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[78] See annex 8.1 for more information on FGS compliance with the arms embargo.

[79] According to one source with extensive knowledge of the security sector in Mogadishu, many private security firms and government officials actively recruit individuals who have received external training.

[80] Extensive conflicting data on SNA composition and strength on file with the Secretariat.

[81] Monitoring Group interviews with multiple security sector officials in Nairobi, Mogadishu, Baidoa and Kismayo between November 2015 and August 2016.

Annex 2.2: Somali National Army salaries, stipends and arrears

6. The FGS continued to struggle to make salary payments to the SNA over the course of this mandate, despite public announcements made by President Hassan Sheikh suggesting otherwise.[82] Following the announcement of the Staff-Monitored Program (SMP) with the International Monetary Fund (IMF) in May 2016, in which the FGS committed to avoiding the accumulation of domestic arrears, the distinction between SNA stipends and salaries grew increasingly blurred in security sector expenditure reporting, despite repeated warnings from the US and UK that their stipends could only be considered 'top-ups' to SNA salaries.

7. Between 1 September 2015 and 30 June 2016, USD 6,687,500 was withdrawn in cash from the Central Bank of Somalia—by either the SNA J8 Head of Finance, Colonel Hussein Ahmed Absuge, the SNA J4 Head of Logistics, Brigadier General Abdullahi Moalim Nur, or the SNA J4 Deputy Head of Logistics, Colonel Hussein Mohamed Nur—for the purpose of paying salary arrears.[83] The Monitoring Group received examples of rudimentary reporting from the FGS accounting for the expenditure of USD 3,513,800 of this (see below) but did not receive a clear explanation for the remaining USD 3,173,700.

8. Of the USD 3,513,800 for which reporting was provided it was clear that troops outside of AMISOM sectors 1 and 5—incorporating the capital, Mogadishu, and Middle and Lower Shabelle regions—were receiving little if any salary support. The SNA in AMISOM sector 3—incorporating Bay, Bakool and Gedo regions—received just USD 42,400 for salaries in January 2016 and USD 43,000 in March 2016 despite the FGS reporting approximately 4,800 troops including 130 officers in the sector (see below). In early March 2016, the Monitoring Group was informed by the SNA commander of sector 3 at the time, General Bile Ibrahim Adan—the former SNA Head of Finance—that 3023 troops were receiving "salaries" from the UK and that the FGS was providing salaries to the rest.[84]

9. Increasingly aware of international donors' concerns regarding the distinction between SNA stipends and salaries, and the challenges of ensuring the SNA leadership distribute payments to troops on the ground, in late 2015 the Ministry of Finance signed an agreement with third party contractor Gorgor Solutions to process USD 7,166,400 of salary arrears to, and biometrically register, approximately 9,800 SNA troops on the SNA database in AMISOM sectors one, three, four—incorporating Hiran and Galgadud regions—and five, as well as a further 3,300 orphans and veterans in Mogadishu.[85]

10. On 19 March 2016 USD 7,116,400 was transferred to the SNA account at the Central Bank of Somalia (CBS) for forward transfer to Gorgor Solution. On the same day, and without permission from the Ministry of Finance, a senior official at the CBS released the funds to Colonel Hussein Ahmed Absuge. A day later the funds were returned to the Ministry of Finance to be transferred to Gorgor Solutions' bank account for onward processing. The company subsequently met multiple attempts to interfere with its task of distributing salaries. In April 2016, and again in May, for example, while processing salary disbursements in AMISOM sector 4, its staff members were briefly detained by local SNA commander, Colonel Tawane Ahmed Mohamed.[86]

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[82] See annex 2.6 for, inter alia, some examples of public statements made by President Hassan Sheikh regarding the SNA.

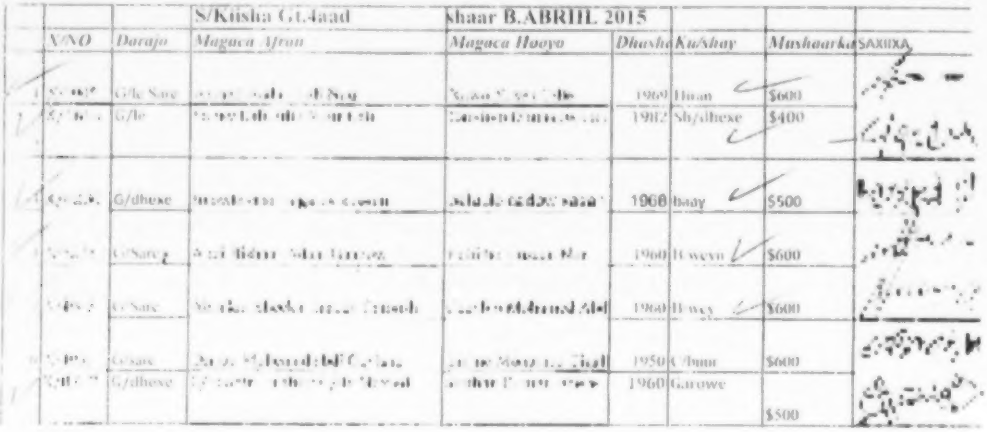
[83] Financial Management Information System (FMIS) statements held on file with the Secretariat.

[84] Monitoring Group interview with security sector representatives in Baidoa on 2 March 2016. At the FGS revised SNA salary rate of USD 50 per month for rank and file soldiers, USD 43,000 would only cover 860 troops.

[85] Gorgor Solutions had already been contracted to process U.A.E.-funded stipends to troops in AMISOM sectors two and four. The SNA's insistence on keeping certain orphans and retired soldiers on its payroll raises further questions about management of and access to its databases, particularly in light of reports of injured soldiers being abandoned. See, for example, Hamza Mohamed, "Somalia's forgotten soldiers", *Al Jazeera*, 28 March 2016. Available from http://www.aljazeera.com/indepth/features/2016/03/somalia-forgotten-soldiers-160321120013738.html

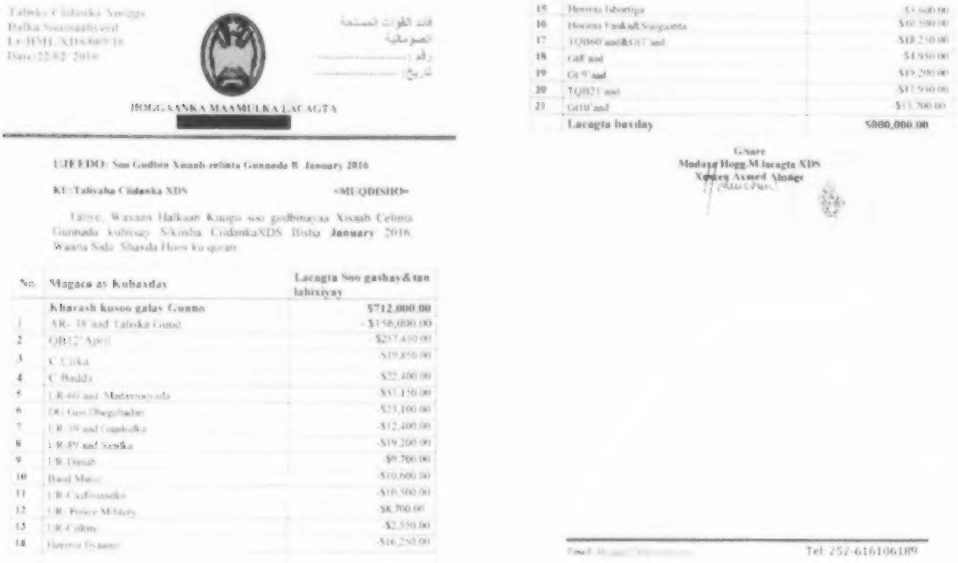
[86] Monitoring Group interview with Gorgor Solutions representative in Mogadishu, 16 June 2016.

Figure 1
Sample of a page of an SNA salary payment report provided to the SEMG (personal details concealed)



			S/Kiisha Gt.4aad	shaar B.ABRIIL 2015				
	S/NO	Darajo	Magaca Afran	Magaca Hooyo	Dhasho	Ku/shay	Mushaarka	SAXIIXA
1	[illegible]	G/le Sare	[illegible]	[illegible]	1969	Hiran	$600	
2	[illegible]	G/le	[illegible]	[illegible]	1982	Sh/dhexe	$400	
3	[illegible]	G/dhexe	[illegible]	[illegible]	1968	baay	$500	
4	[illegible]	G/Sare	[illegible]	[illegible]	1960	B/weyn	$600	
5	[illegible]	G/Sare	[illegible]	[illegible]	1960	B/wey	$600	
6	[illegible]	G/Sare	[illegible]	[illegible]	1950	G/duud	$600	
7	[illegible]	G/dhexe	[illegible]	[illegible]	1960	Garowe	$500	

Figure 2
January 2016 SNA salary distribution by unit



Taliska Ciidanka Xoogga
Dalka Soomaaliyeed
Ler:HML/XDS/[illegible]/16
Date:22/02/2016

قائد القوات المسلحة
الصومالية
رقم: ....
تاريخ: ....

HOGGAANKA MAAMULKA LACAGTA
[redacted]

UJEEDO: Soo Gudbin Xisaab-celinta Gunnada B. January 2016

KU: Taliyaha Ciidanka XDS **<MUQDISHO>**

Taliye, Waxaan Halkaan Kuugu soo gudbinayaa Xisaab Celinta Gunnada kubixay S/Kiisha CiidankaXDS Bisha **January** 2016, Waana Sida Shaxda Hoos ku qoran.

No.	Magaca ay Kubaxday	Lacagta Soo gashay&tan labixiyay
	Kharash kusoo galay Gunno	**$712,000.00**
1	AR- 18'aad Taliska Guud	- $156,000.00
2	QB12'April	-$257,450.00
3	C Cirka	-$19,850.00
4	C Badda	-$22,400.00
5	UR 60'aad Madaxtooyada	-$51,150.00
6	DG Gen Dhegabadan	-$23,100.00
7	UR 39'aad Gaashaanka	-$12,400.00
8	UR 89'aad Sanka	-$19,200.00
9	UR Danab	-$9,700.00
10	Band Music	-$10,600.00
11	UR Ciidamada	-$10,500.00
12	UR Police Military	-$8,700.00
13	UR Cilmi	-$2,550.00
14	Hawada Gaashaan	-$16,250.00
15	Hawada Isbortiga	-$3,600.00
16	Hawada Farshax&Suugaanta	-$10,500.00
17	TQB60'aad&G7'aad	-$18,250.00
18	G8'aad	-$4,950.00
19	G9'aad	-$19,200.00
20	TQB21'aad	-$17,950.00
21	G10'aad	-$13,700.00
	Lacagta hadhay	**$000,000.00**

G/Sare
Madaxa Hogg.M.lacagta XDS
Xuseen Axmed Absuge

Email: [illegible] Tel: 252-616106189

Annex 2.3: Somali National Army databases, registration and identity cards

11. At the time of writing there were three independent, incomplete, and likely incompatible databases of SNA troops eligible for stipends and/or salaries: one managed by the United Nations Office for Project Services (UNOPS) for the provision of US and UK funded stipends in AMISOM sectors one, three and five; one managed by third-party company Gorgor Solutions for the provision of UAE funded stipends in AMISOM sectors two and four, as well as some troops eligible for FGS salary arrears; and another database managed by the SNA for all troops supposedly eligible for a salary and rations from the FGS.

12. The first two are tied to biometric registration—iris scan and/or fingerprints—of troops. The third is based on names provided by company, battalion, and brigade commanding officers to the former "J1 Head of Personnel" at the SNA Logistics Department, Brigadier General Abdullahi Haji Mohamed "Einte". This SNA-held database—places on which affords one access to at least a proportion of an inconsistent salary from the FGS—remains a valuable resource for individuals within the SNA Logistics Department and one that they have repeatedly demonstrated reluctance to share with both UNOPS and Gorgor Solutions. Both UNOPS and Gorgor Solutions have found that the SNA's original lists of troops for payment of stipends—that were eventually submitted—often did not reflect reality on the ground, indicating the historic prevalence of ghost soldiers, and consistent misappropriation of funds allocated for SNA salaries.

13. In January 2016, Brigadier General "Einte" introduced a new system of SNA identity cards tied only to the SNA database without individuals' biometric data, and easily forged, despite an 'ID issuance policy' signed by both "Einte" and the CDF in November 2015 agreeing that ID cards would only be issued to members of the SNA who have been biometrically enrolled and registered.[87] In collaboration with Engineer Ahmed Omar Ali "Naciim" of the SNA 'IT Department' who subsequently contracted his own company, Ramaad Software and Security Solution, to produce the ID cards Brigadier General "Einte" started selling mandatory ID cards to troops in particular units for between USD 10 and USD 15 each, apparently splitting profits with Engineer "Naciim" (see below).[88]

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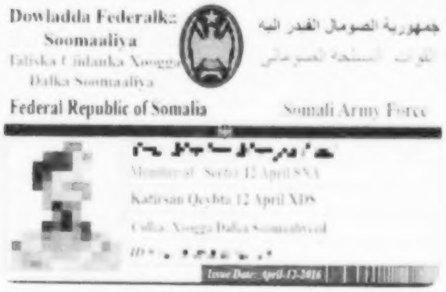
[87] Copies of the signed 'ID issuance policy' held on file with the Secretariat. "Einte" and the CDF had previously agreed that UNOPS would issue ID cards corresponding with their biometric databases.

[88] Monitoring Group interviews with various security sector officials in Mogadishu in February, March and August 2016. Copies of various documents, including receipts, clearly linking Engineer "Naciim" to both the SNA 'IT Department' with Ramaad Software and Security Solution held on file with the Secretariat. After the Monitoring Group shared its concerns regarding Brigadier General "Einte" with the FGS he was transferred to another position within the SNA Logistics Department.

Figure 1: Copy of an SNA-issued identity card (personal details concealed)



Dowladda Federalka Soomaaliya
Taliska Ciidanka Xoogga Dalka Soomaaliya

جمهورية الصومال الفدر اليه

Federal Republic of Somalia
Somali Army Force

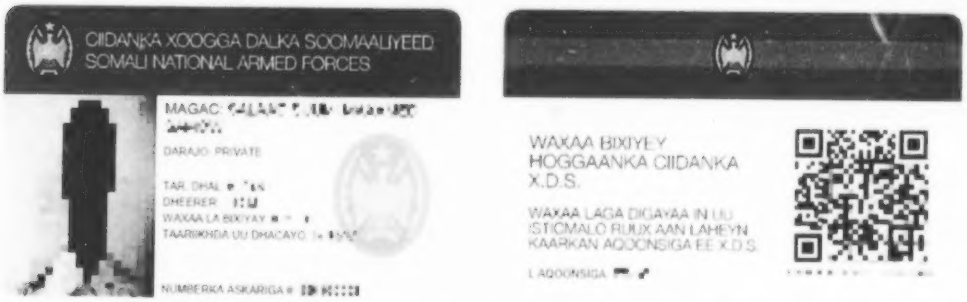
[redacted]

Katirsan Qeybta 12 April XDS

ID [redacted]

Issue Date: April-12-2016

Figure 2: Copy of a UNOPS produced mock-up identity card, front and back (personal details concealed)



CIIDANKA XOOGGA DALKA SOOMAALIYEED
SOMALI NATIONAL ARMED FORCES

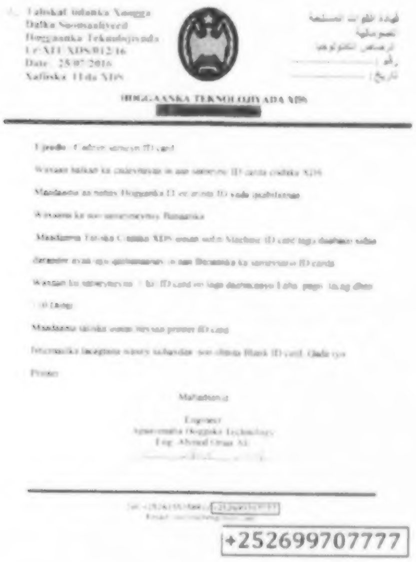
MAGAC: [redacted]
DARAJO: PRIVATE
TAR. DHAL: [redacted]
DHEERER: [redacted]
WAXAA LA BIXIYAY: [redacted]
TAARIIKHDA UU DHACAYO: [redacted]
NUMBERKA ASKARIGA #: [redacted]

WAXAA BIXIYEY
HOGGAANKA CIIDANKA
X.D.S.

WAXAA LAGA DIGAYAA IN UU
ISTICMALO RUUX AAN LAHEYN
KAARKAN AQOONSIGA EE X.D.S.

LAQOONSIGA: [redacted]

Figure 3: NA IT Department letter regarding the sale of identity cards



Taliskat Ciidanka Xoogga
Dalka Soomaaliyeed
Hoggaanka Teknoolojiyada
Ref:XIT/XDS/012/16
Date: 25/07/2016
Xafiiska 11da XDS

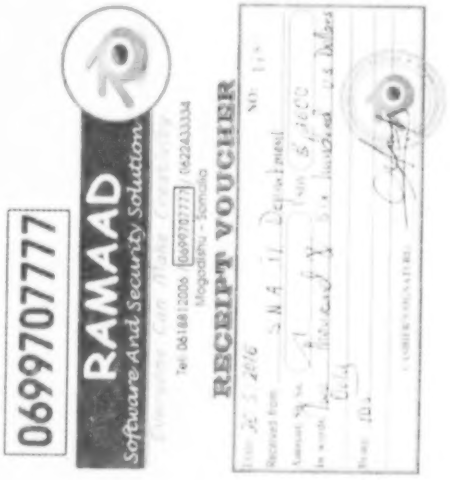
HOGGAANKA TEKNOLOJIYADA XDS

[redacted]

Mahadsanid

+252699707777

Figure 4: Ramaad Software and Security Solutions receipt for SNA identity cards



0699707777

RAMAAD
Software And Security Solution

Tel: 0618812006 / 0699707777 / 0622433334
Mogadishu - Somalia

RECEIPT VOUCHER

Date: 26-5-2016
Received from: S.N.A IT Department
Amount: $ 5,000
In words: Five thousand US Dollars Only

Annex 2.4: Somali National Army rations and supplies

14. In his 9 September 2015 commitment to substantive security sector reform, President Hassan Sheikh stated that "all tenders for logistic supplies will be carried out through the Interim Procurement Board". Over a year later, the SNA continues to maintain an agreement that had been in place since at least January 2015 with Agetco General Trading and Clearance Ltd. (Agetco) for the distribution of dry food rations and ration allowances to the SNA worth between USD 1,100,000 to USD 1,200,000 per month.[89]

15. Copies of the company's bank statements confirm receipt of funds transferred from the CBS. Copies of *hawala* receipts confirm onward transfers of between USD 300,000 and USD 400,000 monthly, in total, by Colonel Mohamed Hussein Nur to senior commanders in Adado (Galgadud), Baidoa (Bay) Belet Weyne (Hiran), El Buur (Galgadud), El Berde (Bakool), Garbaharey (Gedo), Hudur (Bakool) and Kismayo (Lower Juba).[90] Copies of hand-written payment vouchers shared with the Monitoring Group indicate transfers of between USD 400,000 and USD 500,000 in cash monthly to unit commanders in Mogadishu, Lower Shabelle and Middle Shabelle. Despite requests the Monitoring Group received no evidence of distribution of cash by commanders to their rank and file troops.

16. Copies of receipts shared with the Monitoring Group indicate purchase of exactly USD 350,002 worth of dry foodstuff by Agetco each month.[91] Despite requests the Monitoring Group received no evidence to demonstrate where such large quantities of dry foodstuffs were purchased, or onward distribution of dry foodstuff to rank and file troops. Instead, anecdotal evidence collected by the Monitoring Group over the course of the mandate indicates that the only ration support many troops received is that provided by the United Nations Support Office for Somalia (UNSOS) (see below).[92]

17. Registration records held by the Ministry of Commerce and Industry list Sheikh Mohamed Ahmed Roble, a.k.a. "Sheikh Saney", as the Managing Director of Agetco. UAE-based businessman Dahir Sheikh Omar Mohammed and MP Abdulkadir Moallin Noor—the brother of J4 SNA Head of Logistics Brigadier General Abdullahi Moalim Nur—are also confirmed as having part ownership of the company.[93] The FGS described the informal contract between the SNA and Agetco as a 'legacy' agreement. On 10 September 2016, following further discussions between the Group and the FGS on the matter, an invitation for tenders for the contract was finally released via the Ministry of Finance website.[94]

18. Between 1 September 2015 and 30 June 2016, according to Financial Management Information System (FMIS) statements, the SNA also spent a total of USD 2,206,000 on fuel and lubricants; repairs and maintenance; office materials and other consumables; travel expenses; health and hygiene; and military materials, supplies and services. The FGS informed the Monitoring Group that the SNA provides it with no accountability for such expenditure. In the context of the arms embargo, this is of particular concern for the estimated USD 500,000 apparently spent on military materials, supplies and services. Expenditure of USD 160,000 between September and October 2015 also raises questions given that UNSOS provides fuel free of charge to the SNA.

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[89] Copy of a signed agreement dated 7 January 2015 between former CDF Major General Dahir Adan Elmi and Agetco, and FMIS statements listing payments to the company between September 2015 and June 2016 held on file with the Secretariat. The SNA agreement with Agetco was never reviewed by the Financial Governance Committee (FGC) despite multiple requests.

[90] At the time of writing it remained unclear why funds transferred to Agetco are subsequently forwarded for distribution by the Deputy Head of Logistics, Colonel Mohamed Hussein Nur.

[91] Copies of statements, receipts and payment vouchers held on file with the Secretariat.

[92] Monitoring Group interviews with multiple security sector officials in Nairobi, Mogadishu, Baidoa and Kismayo between November 2015 and August 2016.

[93] Dahir Sheikh Omar Mohammed is also the owner of U.A.E.-based company Al Aqeed that was involved in the Somali charcoal trade between 2012 and 2014 (see S/2013/413, annex 9.2 and S/2014/725 annex 9.2) and is also 51 per cent owner of U.A.E. and Mogadishu-based private security company Janus Services Somalia. Abdulkadir Moallin Noor was the signatory and representative of Ahl al-Sunna wal-Jama'a (ASWJ) in the Garowe Principles agreements of 2011 and 2012, and negotiated the integration of a faction of ASWJ in Mogadishu into the fledgling SNA—then under control of the Transitional Federal Government (TFG)—in June 2009, in return for, inter alia, a fixed number of senior positions within the SNA.

[94] See "Invitation to Tenders :Supply and Delivery of Food stuff to Ministry of Defense" available from http://mof.gov.so/invitation-to-tenders-supply-and-delivery-of-food-stuff-to-ministry-of-defense.

Annex 2.5: Somali National Army support

19. Security Council resolution 2124 (2013) mandated the United Nations Support Office for the African Union Mission in Somalia (UNSOA) to provide targeted support to front line units of the SNA. In November 2015, following the adoption of Security Council resolution 2245 (2015), UNSOA was replaced by UNSOS but maintained that up to 10,900 troops serving alongside AMISOM would continue to receive targeted support.[95] As well as ration support, UNSOS is mandated to provide "water, fuel, transport, tents, defence stores and appropriate VHF/UHF, HF communication equipment to enable interoperability with AMISOM, and in-theatre medical evacuation".[96]

20. UNSOS rations are provided directly, with support from AMISOM, and in kind to approximately 10,000 troops in all sectors by road, sea and/or air to ensure delivery to their designated end-users.[97] The SNA has resisted direct ration support from UNSOS, repeatedly insisting that they receive foodstuff in bulk for onward distribution, to the extent that certain unit commanders have refused to receive UNSOS delivered donations.[98] Given concerns based on prior experiences of SNA deliveries of rations, and despite the significant costs associated with it, UNSOS maintains a strict policy of direct ration distribution, ultimately ensuring front-line troops receive some ration support.

21. The US also provides rations in kind, yet in bulk, and originally for approximately 8,000 troops.[99] Using the same importing company as UNSOS, Inchcape, rations are then transferred to a third party company, Fasamo Construction and Logistics Company in Mogadishu for onward distribution. The Monitoring Group has received multiple, independent reports indicating that the majority of the foodstuff deliveries are subsequently sold privately.[100]

22. On 6 August 2016 the Monitoring Group wrote to the Chairman of Fasamo, Sahal Saed Hussein, requesting an opportunity to meet. Sahal suggested a meeting with the company's Vice President, Mohamed Awale, in Nairobi. Mohamed Awale inquired about the purpose of the meeting and was informed that the Monitoring Group was keen to discuss how Fasamo distributes rations to the SNA and concerns that rations were being sold privately, following which he advised that a meeting with the company Chairman would be necessary. On 8 August 2016 the Monitoring Group re-wrote to Sahal Saed Hassan relaying this discussion and seeking an opportunity to meet in Mogadishu but received no response.

23. The SNA also receives training support from the US, the UAE, Turkey, and the European Union Training Mission (EUTM). The Monitoring Group met with resistance from the EUTM after having received multiple and consistent complaints about its training program—particularly regarding the clan homogeneity of its trainees—from a broad variety of interlocutors. In a presentation given by the European Union Military Committee in Brussels on 17 May 2016, the newly appointed EUTM Commander, Brigadier General Maurizio Morena, stated that they have no way of knowing where EUTM trained soldiers are, or whether they are in a position to implement the skills they were taught.[101] When asked by the Monitoring Group what criteria are used for

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[95] Given on-going problems of identifying 10,900 SNA troops fighting alongside AMISOM, a liberal interpretation of this clause has been applied.

[96] Resolution 2245 (2015), paragraph 2 (f).

[97] UNSOS produces monthly reports, including on ration distribution according to location and troop strength, against expenditure of the SNA Trust Fund. UNSOS are mandated to provide rations to 10,900 troops fighting alongside AMISOM across all sectors. As of May 2016, according to documentation signed by Mohamed Adan Ahmed, the SNA were only able to account for 10,014 troops eligible for UNSOS rations.

[98] Monitoring Group interviews with UNSOS staff in Mogadishu in February and June 2016.

[99] With food rations provided by UNSOS and the US covering approximately 18,000 troops, it remains, at the time of writing, unclear why the SNA allocates USD 1,100,000 to 1,200,000 to rations each month while it is unable to provide salary payments.

[100] Monitoring Group interviews with security sector support staff in Mogadishu in July and August 2016.

[101] Copy of the presentation held on file with the Secretariat. The Monitoring Group has anecdotal evidence suggesting many troops trained by the EUTM are currently employed by private security companies.

selecting individuals to be trained an EUTM representative stated that trainees are selected by the SNA.[102] The EUTM also has a dedicated advisory team, intended to provide strategic advice to Somali security institutions including the Ministry of Defence and SNA General Staff. However, full-time EUTM advisory counterparts to individuals within the SNA Logistics Department—including J1 Personnel, J4 Logistics and J8 Finance—have little to no engagement with the SNA despite being based permanently in Mogadishu.[103]

24. Given the prevailing circumstances described above, the Monitoring Group is concerned that ill-conceived or poorly implemented security sector support programs may be inadvertently contributing to the potential threat posed by the SNA to peace, security and stability in Somalia.

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[102] Email correspondence with EUTM representative, 3 August 2016.

[103] Monitoring Group interviews with members of the EUTM in Mogadishu and Nairobi between January and July 2016. EUTM advisors working with the Ministry of Defence have significantly greater access and engagement with their counterparts.

Annex 2.6: Somali National Army withdrawals and salary-related incidents, September 2015 to August 2016

Date	**Description**[104]
02/09/2015:	SNA (and AMISOM/ENDF) withdraw from Tuulo Barwaqo, Gedo.
03/09/2015:	SNA (and AMISOM/ENDF) temporarily withdraw from El Garas, Bakool.
04/09/2015:	SNA (and AMISOM/UPDF) withdraw from El Salini, Lower Shabelle.
04/09/2015:	SNA (and AMISOM/UPDF) withdraw from Kurtunwarey, Lower Shabelle.
06/09/2015:	SNA (and AMISOM/ENDF) temporarily withdraw from Garas Weyne, Bakool.
06/09/2015:	SNA (and AMISOM/ENDF) withdraw from Buqdaaqable, Hiran.
07/09/2015:	SNA temporarily withdraw from Moro Gabey, Bakool.
09/09/2015:	SNA and AMISOM (UPDF) retreat from Ambarey, Lower Shabelle.
10/09/2015:	SNA (and AMISOM/UPDF) withdraw from Busley, Lower Shabelle.
14/09/2015:	Goobjoog News reports of roadblocks on the road from Mogadishu to Baidoa quoting President Sharif Hassan stating "a hungry soldier with a gun can do everything."[105]
16/09/2015:	Radio Dalsan reports of SNA troops besieging themselves in the Parliament building over non-payment of salaries for several months in Adado.[106]
17/09/2015:	SNA (and AMISOM/UPDF) withdraw from Janale, Lower Shabelle.
18/09/2015:	SNA withdraw from Yaq Biri Weyne, Lower Shabelle, following AS attack.
15/10/2015:	SNA (and AMISOM/UPDF) withdraw from Bullo Jan neighbourhood of Merka, Lower Shabelle.
23/10/2015:	Reports of an increase in the number of illegal checkpoints set up by armed men dressed in Somali military uniform on the highway linking Mogadishu to Afgoye.
03/11/2015:	Hiiraan Online cites former military general Ahmed Hassan claiming, "You can't maintain security with hungry and unpaid soldiers services."[107]
01/12/2015	Goobjoog News cites Colonel Adan Jelle Farah claiming his soldiers in Gedo had not been paid since 2014.[108]

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[104] All unreferenced material collated and cross-referenced in at least two third-party security and situation reports, or in Monitoring Group interviews in Nairobi and Mogadishu, between September 2015 and August 2016.

[105] "New illegal checkpoints mushroom along Mogadishu-Baidoa highway", *Goobjoog News*, 14 September 2015. Available from http://goobjoog.com/english/?p=19500.

[106] "Somalia: Soldiers on strike besiege Galmudug parliament", *Radio Dalsan*, 16 September 2015. Available from: http://www.radiodalsan.com/2015/09/16/somalia-soldiers-on-strike-besiege-galmudug-parliament/.

[107] "Somalia hotel attack underlines need for supporting Somalia army – UN envoy", *Hiiraan Online*, 2 November 2015. Available from http://www.hiiraan.com/news4/2015/Nov/102386/somalia_hotel_attack_underlines_need_for_supporting_somali_army_-_un_envoy.aspx.

Date	Description[104]
04/12/2015:	Disgruntled SNA troops protest with regards to non-payment of salaries resulting in the temporary closure of Jazeera Camp in Mogadishu.
05/12/2015:	SNA soldiers close the road that links Wadajir District to Jazeera Training Camp over non-payment of salaries.
30/12/2015:	Men in SNA uniforms open fire on a public mini-bus in Tixsile, Lower Shabelle, following an escalated dispute over money extortion.
04/01/2016:	SNA withdraw from Warmahan, Lower Shabelle, following AS attack.
05/02/2016:	SNA withdraw from Merka, Lower Shabelle over non-payment of salaries (AMISOM/UPDF repositioned south of the town).
10/02/2016:	SNA withdraw from Kamoor, Gedo.
14/02/2016:	SNA (and AMISOM/ENDF) withdraw from Burweyn, Hiran.
17/02/2016:	Senior SNA officer beaten by soldiers over lack of pay and hospitalised.
20/02/2016:	Armed clash between two groups of SNA in Beled Hawo after one group tried to stop the other from taking taxation from the market and public transports.
22/02/2016:	Shabelle Media Network reports intra-SNA clash in Adado, Galgadud, following a dispute over payment of salaries.[109]
29/02/2016:	SNA withdraw from Lantabur, Lower Shabelle, over non-payment of salaries, leaving 8 military vehicles to AS.
29/02/2016:	European Union Training Mission (EUTM) temporarily cease training operations at Jazeera Training Camp over fears of insecurity prompted by unpaid salaries.
06/03/2016:	Hiiraan Online cites President Hassan Sheikh claiming, "I assure you that each soldier does receive his basic salary."[110]
08/03/2016:	Intra-SNA clash in Burdhubo, Gedo, after troops refuse to take orders from their commander.
13/03/2016:	Hiiraan Online and Goobjoog report parliamentarians seeking "better welfare for armed forces."[111]

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[108] "National Army troops in Gedo complain of delayed salaries running into a year", *Goobjoog News*, 1 December 20 . Available from http://goobjoog.com/english/?p=22473.

[109] "Somalia: Army infighting flares up in Central Somalia", *Shabelle Media Network*, 22 February 2016. Available from http://allafrica.com/stories/201602222231.html.

[110] "Despite graft allegations, Somali president assures army's payments", *Hiiraan Online*, 6 March 2016. Available from http://hiiraan.com/news4/2016/Mar/104447/despite_graft_allegations_somali_president_assures_army_s_payments.aspx.

[111] "Amid attacks, Somali parliament seeks better welfare for armed forces", *Hiiraan Online*, 13 March 2016. Available from http://www.hiiraan.com/news4/2016/Mar/104544/amid_attacks_somali_parliament_seeks_better_welfare_for_armed_forces.aspx. See also "Somali Federal Parliament calls on Government to review army benefits and payments", *Goobjoog News*, 13 March 2016. Available from http://goobjoog.com/english/?p=26292.

Date	Description[104]
20/03/2016:	Dalsan Radio reports Colonel Mohamed Korontow "pausing" his service to the SNA.[112]
26/03/2016:	SNA withdraw from El Baraf, Middle Shabelle, over non-payment of salaries.
29/03/2016:	Al Jazeera reports that troops injured in Al-Shabaab attack on Villa Somalia have not received any wages or compensation since.[113]
09/04/2016:	SNA (and AMISOM/ENDF) withdraw from Adan Yabal three days after recovering it from Al-Shabaab.
10/04/2016:	Washington Post cites President Hassan Sheikh claiming, "The Somali government cannot afford to pay the soldiers and at the same time to purchase lethal equipment."[114]
14/04/2016:	Intra-SNA clash in Mahaday, Middle Shabelle, over revenue accrued at a SNA roadblock.
26/04/2016:	SNA (and AMISOM/UPDF) withdraw from Janale again.
01/05/2016:	SNA withdraw from Ruun-Nirgood, Middle Shabelle, following AS attack.
02/05/2016:	Goobjoog News cites President Hassan Sheikh claiming, "We do not get any income from oil or any other source safe for Mogadishu and surrounding areas but we have regularly paid our soldiers."[115]
13/05/2016:	SNA withdraw from Merka, Lower Shabelle, again over non-payment of salaries.
26/05/2016:	SNA (and AMISOM/UPDF) withdraw from Tortorow, Lower Shabelle, shortly after recovering the village from Al-Shabaab.
01/06/2016:	SNA (and AMISOM/ENDF) withdraw from Rabdhure, Bakool.
06/06/2016:	Intra-SNA clash in Mukayga, Lower Shabelle, over revenue accrued at a SNA roadblock.
12/06/2016:	Intra-SNA clash in Adado, Galgadud, resulting in death of 3 soldiers, over salary distribution.
01/07/2016:	SNA (and AMISOM/ENDF) withdraw from Rabdhure, Bakool.
01/07/2016:	SNA (and AMISOM/ENDF) withdraw from Burdhuhule, Bakool.
11/07/2016:	Shabelle Media Network reports intra-SNA clash in Belet Weyne, Hiran, resulting in the death of two soldiers over revenue accrued at an SNA roadblock.

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[112] "Senior Somali-American military officer blames AMISOM for lack of action", *Radio Dalsan*, 20 March 2016. Available from: http://www.radiodalsan.com/2016/03/20/senior-somali-american-military-officer-blames-amisom-for-lack-of-action/.

[113] Hamza Mohamed, "Somalia's forgotten soldiers", *Al Jazeera*, 28 March 2016. Available from http://www.aljazeera.com/indepth/features/2016/03/somalia-forgotten-soldiers-160321120013738.html.

[114] Kevin Sieff, "Somalia's president says al-Qaeda-backed rebels are 'resurgent'", *The Washington Post*, 10 April 2016. Available from https://www.washingtonpost.com/world/africa/somalias-president-says-al-qaeda-backed-rebels-are-resurgent/2016/04/09/56be207c-faa3-11e5-813a-90ab563f0dde_story.html.

[115] "We have been consistent in paying our soldiers, President Mohamud say", *Goobjoog News*, 2 May 2016. Available from: http://goobjoog.com/english/?p=28472.

Date	Description[104]
11/07/2016:	SNA withdraw from Lantabur, Lower Shabelle, again following AS attack.
11/07/2016:	SNA temporarily withdraw from Merka, Lower Shabelle, again.
19/07/2016:	SNA temporarily withdraw from Qoryoley, Lower Shabelle.
24/07/2016:	SNA (and AMISOM/ENDF) withdraw from Garasweyne, Bakool.
14/08/2016:	Shabelle Media Network reports intra-SNA clash in Adado, Galgadud, resuling in the death of four soldiers, over salary distribution.[116]

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[116] "Somalia: Four killed as army forces exchange gunfire in Adado", *Shabelle Media Network*, 14 August 2016. Available from http://allafrica.com/stories/201608140382.html.

Annex 3

Spoiler politics

Annex 3.1: Hiran and Middle Shabelle state formation

1. As of September 2016, efforts that began during the course of the last mandate to establish the final remaining regional administration were still underway. Contestation between dominant clans in each region—Hawadle (Hawiye) in Hiran and Abgal (Hawiye) in Middle Shabelle—over the location of the state formation conference—Belet Weyne in Hiran or Jowhar in Middle Shabelle—and which clan would assume the presidency, continued for over a year. Despite last bid attempts to establish an interim administration before the 2016 federal transition, the process remained unresolved at the time this report was submitted.[117]

2. A technical committee appointed by Minister of Interior and Federalism, Abdirahman Mohamed Odowa, in late October 2015 was flatly rejected by former Hiran Governor, Abdifitah Hassan Afrah, citing under-representation of his region's clans, and was followed by protests in Belet Weyne. A little over a week after it was appointed, the committee was dissolved. On 14 November 2015 Afrah issued a decree barring anyone in Belet Weyne from engaging with the UN on the matter of state formation.[118] The next day one of his personal security guards shot and killed a local UN staff member, Mahdi Hussein Shikhal, who had previously been helping to organise meetings between Hiran elders and the local UN office in Belet Weyne. The assassination sparked tensions in the town and surrounding hinterland between Agoon and Ali Madahweyne sub-clans of the Hawadle.[119] The FGS subsequently summoned Abdifatah Hassan Afrah to Mogadishu and appointed former warlord Yusuf Ahmed Hagar "Dabageed" as his successor.[120]

3. On 19 December 2015, President Hassan Sheikh issued a decree declaring that Jowhar would host the state formation conference.[121] The news was received poorly by many in Hiran, particularly given the expenses Hawadle elders had directed towards a preceding reconciliation conference held in Belet Weyne had not been reimbursed, and that a venue owned by presidential hopeful, Abdulkadir Osoble Ali, subsequently won a lucrative bid to host it.[122] When the conference began in Jowhar in late January 2016, Hawadle, Gaaljal, Bantu and Degodia representatives boycotted the event, citing under-representation. In early February 2016, Ugas Hassan Ugas Khalif, along with other Hawadle elders, launched a parallel state formation conference in Belet Weyne calling for Hiran to establish a unitary federal member state.

4. When President Hassan Sheikh visited Belet Weyne in late March 2016, to try and persuade regional elders to participate in the conference, protests erupted in the town forcing security forces to open fire on crowds attempting to disrupt the meeting. Various elders and politicians, including federal MPs Dahir Hassan Abdi and Abdullahi Godah Barre, accused the FGS of attempting to divide the clans inhabiting Hiran region and preventing a reconciliation process ahead of the state formation conference.

5. Hawadle frustrations were aired again in late June 2016 when it emerged that Ugas Hassan Ugas Khalif was not included in the list of 135 clan elders tasked with establishing electoral colleges to select members of the next federal parliament (see below). In June and July 2016, IGAD Ambassador Mohamed Abdi Affay visited Belet

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[117] This report was submitted to the Secretariat on 20 September 2016.

[118] The Monitoring Group has received reports that the order to issue and enforce the decree came directly from the FGS. An audio recording of a telephone conversation, allegedly between Abdifatah Hassan Afrah and President Hassan Sheikh Mohamud, on the matter from 13 November 2015 is held on file with the Secretariat.

[119] Mahdi Hussein Shikhal belonged to the Agoon sub-clan, while the Abdifatah Hassan Afrah and the security guard that killed him belong to the Ali Madahweyne sub-clan.

[120] Yusuf Ahmed Hagar "Dabageed" was implicated in violations of the arms embargo while previously serving as Hiran Governor. See S/2008/274, annex V and S/2006/913, paragraphs 82-83.

[121] Presidential Decree 87, 19/12/2015. The decree also declared Buloburde in Hiran region to be the future capital of the Federal State which was similarly poorly received by various parties, including many residents of the town who, at the time, remained isolated from all supply lines by Al-Shabaab, and assumed the future administration would remain in either of the regional capitals regardless of the decree.

[122] The Monitoring Group does not believe there to have been any manipulation of the tendering process for the conference venue led by the Somali Stability Fund.

Weyne for meetings with Ugas Hassan Ugas Khalif and Yusuf Ahmed Hagar "Dabageed" in an ultimately unsuccessful attempt to persuade them back to Jowhar to revive the conference.

6. On 13 August 2016 Governor "Dabageed" banned meetings between individuals opposed to the state formation process, and ordered the arrest of a prominent local journalist, Mr. Ali Ali Dahir Herow "Kuluc", known to have close ties to Ugas Hassan Ugas Khalif.

7. At the time of writing, attempts were being made to reinitiate the state formation conference in Jowhar—with President Hassan Sheikh travelling to the city on 15 September to push the process along—though important Hawadle elders remained absent, intent on postponing the state formation process until after the political transition in the hope that they may receive greater support from the next government.[123]

8. The prolonged process to establish the final remaining regional administration has demonstrated again the challenges of state-building when a 'zero-sum' approach is adopted by all major stakeholders, and the focus on the immediate capture of available political resources outweighs attempts to foster reconciliation.

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[123] Monitoring Group interviews with FGS and UN officials in Mogadishu in August 2016.

Annex 3.2: 2016 transition challenges

9. Despite frequent statements suggesting otherwise, the FGS failed to take any of the necessary steps to prepare for the 2016 transition until the eleventh hour when it could finally and rightly acknowledge that 'one person, one vote' elections would not be possible. At the time of writing, with the president's constitutional mandate having ended, the electoral framework remains in flux. With the process increasingly perceived to be an illegitimate attempt by incumbent leaders to remain in power, the threat of conflict and/or the withdrawal of various communities from broader state-building efforts will grow unless efforts are made to demonstrate that its results were not predetermined.

10. Security dynamics throughout Somalia still threaten the viability of the political process to select the next parliament and president. Despite the presence of an estimated 4000 to 5000 members of the Somali National Army (SNA), and an estimated 5000 to 6000 members of the Somali Police Force (SPF), in Mogadishu alone, the FGS remains dependent on the support of African Union Mission in Somalia (AMISOM) to maintain security in the federal capital. There are similar concerns about conducting the process in *de facto* regional capitals, and particularly regarding Adado, the current capital of the Interim Galmudug Administration.

Political process

11. From 19 to 21 September 2015, leaders of the FGS—President, Prime Minister and Speaker of Parliament—met with the leaders of Puntland and the existing Interim Regional Administrations (IRAs) in Mogadishu to establish the National Leadership Forum (NLF).[124] A communiqué released following the first NLF held from 19 to 20 October 2015 in Mogadishu confirmed that circumstances were not yet conducive for 'one person, one vote' elections, and that indirect elections would be held in 2016 instead. A National Consultative Forum (NCF) would be held in December 2015, bringing in a broader range of political actors, including federal ministers and members of civil society to discuss four options for electoral models for the selection of members of the lower and upper houses of Parliament.

12. The NCF, however, failed to produce a consensus. Instead, a dispute among the regional leaders over the geographical and clan based options ensued, until 27 January 2016 when the Office of the President released a communiqué, announcing the re-adoption of the '4.5 model' of clan representation for the Lower House of Parliament and redeployment of 135 clan 'elders' to help establish it, and a regional model for the selection of the Upper House, citing an inability to reach a consensus decision within the NCF.

13. The communiqué was reluctantly endorsed by the leader of the Interim Jubba Administration (IJA), Ahmed Mohamed Islam "Madobe" and rejected by the President of Puntland, Abdiweli Mohamed Ali "Gaas".[125] It was not until 3 April 2016—following intervention from a delegation including representatives of the UN, the African Union, the European Union (EU), IGAD, the United Arab Emirates (UAE), Turkey, and Djibouti—when "Gaas" consented, bringing to an end almost 10 weeks of stagnation in the electoral process. A Memorandum of Understanding was signed between "Gaas" and the Prime Minister of the FGS, Omar Abdirashid Ali Sharmarke, committing the FGS to an end to the 4.5 model beyond 2016, and awarding the Puntland administration the prerogative to approve the final list of members eligible to be elected in Puntland to the Lower House of Parliament.

14. The next NLF was held shortly afterwards from 9 to 11 April 2016. As explained in the 12 April 2016 communiqué, the leaders agreed to establish a Federal Indirect Electoral Implementation Team (FIEIT) and Stave-Level Electoral Implementation Teams (SEITs) in the "existing and emerging" Federal Member States, thereby formally marking the redundancy of the pre-existing and constitutionally mandated National Independent

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[124] At the time, President Hassan Sheikh was battling a third attempt by a number of parliamentarians to impeach him.

[125] "Madobe" and "Gaas" could have expected greater representation of the Darood clan in the Lower House of Parliament had a district model for MP selection been adopted.

Electoral Commission (NIEC).[126] The regional presidents also then awarded themselves veto power over all members of both the Upper House and Lower House for their respective States.

15. Over the next six weeks, parliamentarians reviewed the electoral model proposed by the NLF until, with the broad support of the international community, on 21 May 2016, President Hassan Sheikh invoked an executive order endorsing the electoral model law, and negating the need for parliamentary approval.[127] On 26 May 2016 the Cabinet of Ministers voted to approve the President's executive decision paving the way for the parliamentary electoral process to take place, despite provoking anger among certain parliamentarians.

16. On 17 June 2016, the FGS announced a list of 22 members of the FIEIT, including the Minister of Interior and Federalism, Abdirahman Mohamed Odawa, and three other serving federal ministers. Following an outcry from opposition parliamentarians, a new list was released on 28 June, omitting the federal ministers, but this time including a close ally and legal advisor to President Hassan Sheikh, Omar Mohamed Abdulle, who would subsequently be nominated Chair of the FIEIT.

17. Following another meeting of the NLF in early August, a time line for the transition process was announced, culminating in the election of the next president of the Federal Republic of Somalia on 30 October 2016, extending the mandate of all government institutions until new ones have been selected, and delaying the review of the 2012 Provisional Constitution until the next parliament was established. Given that according to the 2012 Provisional Constitution the President's term was due to expire on 9 September 2016, opposition coalitions were quick to call for the formation of an 'caretaker' government immediately following this date.[128]

18. On 6 September 2016 the Office of the President issued a decree clarifying that while he would continue to serve as president, when his term came to an end three days later, he would no longer maintain full executive powers, and that no further political or military appointments would be made, and no further contracts or concessions signed.

Concerns

19. The Monitoring Group is concerned by a distinct lack of political space in Somalia in the period preceding the 2016 transition. The authority with which members of the NLF awarded themselves in arranging the transition for the sake of expediency, after almost three years of inertia, calls into question the extent to which the process represents progress since the 2012 transition.[129] While it may be considered a positive development that a regular forum between multiple political leaders representing different constituencies and interests exists, the perception that the next four years may be determined by incumbent leaders, bypassing a an ineffectual parliament, may ultimately prove to undermine the legitimacy of the next federal government.

20. Civil society has been largely excluded from the process. Pro-democracy organizations, Somali media networks, and opposition groups have reported attempts to stymie political debate.[130] Compounding perceptions

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[126] According to media reports the chair of the NIEC, Halima Ibrahim Ismail "Yarey", insists that it remains mandated to implement elections in 2020. See, for example, "Halimo Yarey: Somali Electoral commission is mandated to hold countrywide elections in 2020", *Goobjoog News*, 20 June 2016. Available from http://goobjoog.com/english/?p=30086.

[127] In the meantime, on 6 May 2016, President Hassan Sheikh appointed an ally as the new Chief Justice, Ibrahim Idle Suleiman, replacing the often critical Aidiid Ilka Hanaf. The appointment was regarded by many among the opposition as preparation for over-ruling parliament on key electoral matters and avoiding impeachment.

[128] A number of ad hoc, and often overlapping opposition coalitions—including the Forum for Unity and Democracy, National Citizens Platform, the Coalition for Change, and the Coalition for Somali Political Parties—began to emerge in 2015.

[129] The anti-corruption NGO Marqaati accused the NLF of acting as a "de facto junta". See "Election 2016: Uncertainty", *Marqaati*, 3 August 2016. Available from https://marqaati.org/en/2016/08/election-2016-uncertainty/.

[130] See, for example, UNSOM/OHCHR, "Report on the right to freedom of expression: Striving to widen democratic space in Somalia's political transition" (Nairobi, 2016).

that the FGS was growing increasingly intolerant of dissent, President Hassan Sheikh provoked an angry backlash among his opponents when, during a speech made at a mosque while marking Eid-al-Fitr on 7 July 2016, he branded the government's critics to be the second enemy of Somalia after Al-Shabaab.[131]

21. The Monitoring Group received multiple reports of increasing use of intimidation tactics by the National Intelligence and Security Agency (NISA). On 14 July 2016, NISA raided the Makka Al-Mukarama Hotel where two prominent Hawiye elders, Abukar Geney (Haber Gedir) and Abdullahi Gedi Shador (Abgaal/Wa'esli) had organised a meeting with other Hawiye elders to discuss the transition. NISA claimed to be intercepting a vehicle-based improvised explosive device (VBIED), and hotel owners in Mogadishu were subsequently called upon by the Ministry of Internal Security to inform the FGS of any political gatherings they intend to host for the sake of security.[132] On 18 July 2016, in a declaration made by a newly established National Citizens Platform, multiple prominent opposition figures, including at least three presidential candidates, announced their dismay at the FGS decision "banning public meetings of members of political associations and political parties in public spaces."[133]

22. The objectivity of certain members of the FIEIT has been called into question, even by its own members.[134] Nevertheless, it has clearly demonstrated a degree of independence from the FGS and regional administrations, having, for example, resisted attempts by the NLF to permit certain new entries to the list of 135 elders.[135] Furthermore its composition is common knowledge and it has made some, though arguably not enough, statements to the media with updates on its progress. At the time of writing, the composition of and progress made by the SEITS was far less clear.[136]

23. The adoption of the electoral college system, in which 135 'clan elders' select 14,025 individuals who are subsequently tasked with electing 275 parliamentarians for the Lower House, has been hailed as representing greater inclusivity and "enhanced legitimacy".[137] The Monitoring Group has received multiple reports, however, that certain incumbent parliamentarians have attempted to influence their elder's selection of the electoral college to ensure a greater opportunity of being re-elected.[138] Similarly, the Group has received multiple reports indicating the manipulation of the elders list.[139]

24. Particular attention has been paid to: the exclusion of the Hawadle (Hawiye) elder, Ugas Hassan Ugas Khalif Ugas Roble; the appointment of the Badi'Ade (Hawiye) elder, Wabar Mohamed Wabar Ahmed; the appointment of the Saruur (Hawiye) elder, Suldan Mohamed Sheikh Islaweyn; the attempt to appoint Mohamed

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[131] See "Madaxweynaha Somaaliya, Xasan Sheekh Maxamuud oo ka hadlay ciida", *Somali Cable*, 6 July 2016. Available from https://www.youtube.com/watch?v=KCTTc5z1wNc.

[132] Article 20 of the 2012 Provisional Constitution states, "Every person has the right to organize and participate in meetings, and to demonstrate and protest peacefully, without requiring prior authorization."

[133] See "A Declaration on the 2016 Political Transition of Somalia", *RBC Radio*, 18 July 2016. Available from http://www.raxanreeb.com/2016/07/somalia-a-declaration-on-the-2016-political-transition-of-somalia/. It should be noted, however, that the Monitoring Group has not received reports of any political meetings at hotels not being permitted by the Ministry of Internal Security. On 18 September, however, two days before this report was submitted to the Secretariat, a spokesperson for the Benadir Regional Administration announced a ban on demonstrations planned by opposition parties.

[134] Monitoring Group interview with member of the FIEIT on 12 August 2016 in Nairobi.

[135] Monitoring Group interviews with diplomatic source and UNSOM staff in Nairobi on 2 September 2016.

[136] Close ally and senior advisor to President "Madobe", Abdi Ali Raghe, is reported to be chairing the SEIT in Kismayo.

[137] The majority of the 135 elders were selected by a Technical Selection Committee for the 2012 transition in which the elders selected 275 parliamentarians directly.

[138] Monitoring Group interviews with current and former parliamentarians, members of civil society and members of the FIEIT in Mogadishu and Nairobi in July and August 2016.

[139] Approximately 10 sub-clans on the list required new elders to be selected as previously selected elders were deceased.

Ahmed Hussein to represent the Reer Aw Hassan (minority); and the manipulation of the Ayr (Habar Gedir/Hawiye) elder, Ugas Hassan Ugas Mohamed Ugas Nur.[140]

25. Preparations for the 2016 federal transition were delayed and inadequate, and will have ultimately led to a flawed political process, calling into question the legitimacy of the government formed as a result of it. When preparations did finally begin they were led by a forum of individuals at least broadly perceived to be preoccupied by the outcome, at the expense of the process, of the transition. Subsequently if a member of the NLF goes on to win the presidency, their government will likely face significant challenges overcoming the taint of that perception.

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[140] Monitoring Group interviews with current and former parliamentarians, members of civil society and members of the FIEIT in Mogadishu and Nairobi in July and August 2016.

Annex 4

Public financial management and misappropriation

Annex 4.1: Currency printing in Puntland

1. In late 2014 or early 2015, Puntland authorities are reported to have acquired a currency-printing machine, housed at the State Bank of Puntland in Bosaso, with which it has used to print counterfeit Somali Shillings.[141] The newly printed currency has been used to for payment of salary arrears to civil servants, members of the Puntland security forces and custodial corps.[142]

2. According to the Governor of the Central Bank of Somalia, Bashir Issa Ali, the last official Somali shillings were printed in 1990.[143] While bearing the official "Muqdishu 1990" markings, the Monitoring Group has acquired a number of obviously new shilling notes all with successive serial numbers (see below).

3. In early May 2016, violent protests against soaring commodity prices—prompted by the flood of newly printed notes onto the market—broke out in both Garowe and Bosaso. The exchange rate of Somali, which has otherwise remained relatively stable in recent years, rapidly rose from approximately SOS 23,500 to USD 1, to SOS 30,000 to USD 1.[144]

4. The President of Puntland, Abdiweli Mohamed Ali "Gaas", has strongly denied to representatives of international financial institutions that Puntland authorities were involved in the printing of new currency.[145] On 26 August 2016, the Monitoring Group sent official correspondence to both the President and the Minister of Finance of Puntland requesting information on the acquisition, location and use of the currency-printing machine, but is yet to receive a response.[146] Requests to access the Bank of Puntland in Bosaso in August 2016 were refused by its Chairman, Abdi Ismail "Boos", who has subsequently stopped acknowledging the Group's attempts to make contact.

5. The total amount of new Somali Shilling currency in circulation is assumed to be relatively low. However, as demonstrated by the demonstrations in May 2016, relatively small quantities of new can still upset the market, causing inflation and commodity price rises hitting the region's most vulnerable populations the hardest. Unregulated currency printing further threatens to undermine federal level negotiations with the International Monetary Fund (IMF) to implement currency reform in Somalia.

6. While the Monitoring Group recognizes the need for currency reform to formalize and stabilize the Somali economy, the unregulated currency printing in Puntland creates an opportunity for large-scale financial misappropriation, especially during the phase in which the old currency is exchanged for new genuine notes.

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[141] Monitoring Group interview with two members of the Puntland security forces in Bosaso, 15 August 2016.

[142] Monitoring Group interviews with members of Puntland security forces and individuals close to the administration, 15 and 16 August 2016, Bosaso. See also, inter alia, "Somalia: Puntland calms currency devaluation protests", *Garowe Online*, 7 May 2016. Available from: http://www.garoweonline.com/en/news/puntland/somalia-puntland-calms-currency-devaluation-protests.

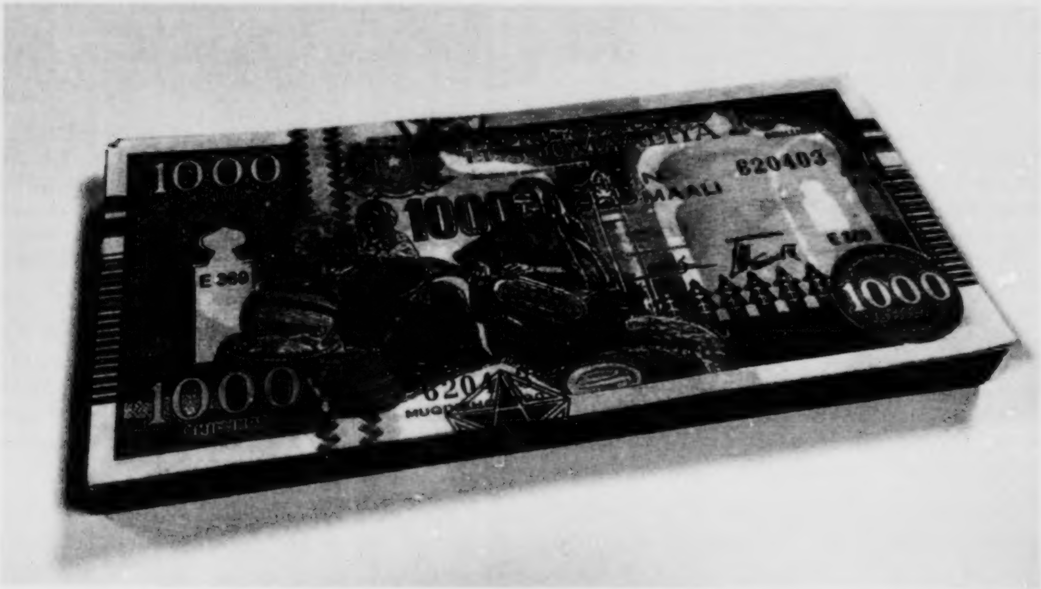
[143] Monitoring Group interview with the Governor of the CBS in Nairobi, 13 July 2016.

[144] The protests subsequently subsided when fixed exchange rates were introduced by the administration.

[145] Monitoring Group phone interview with a representative of an international financial institution, 11 September 2016

[146] S/AC.29/2016/SEMG/OC.88.

Figure 1: Recently printed Shilling notes acquired by the Monitoring Group from the exchange market in Bosaso on 17 August 2016



Annex 4.2: Theft of USD 530,000 from the Central Bank

7. Over the course of the mandate, the Monitoring Group has grown increasing aware of the prevalence of counterfeit US dollars. While the majority of counterfeit USD in circulation in Somalia are of poor quality,[147] their presence within the economy nonetheless contributes to inflation and financial insecurity and, as with counterfeit Somali Shillings, undermines federal level negotiations with the International Monetary Fund (IMF) to implement currency reform in Somalia.[148]

8. In late August 2016 an estimated USD 530,000 was embezzled from the CBS.[149] According to the Governor of the CBS, Bashir Issa Ali, a growing awareness of the risk of maintaining a standard sum of USD 14 million in the bank's vault led him to implement a cap of USD 1 million at any one time.[150] On 18 August 2016, one of the CBS tellers claimed to have discovered counterfeit US dollars among the real ones in currency withdrawn from the vault. According to Bashir Issa Ali, CBS teller Muhyadin Mohammed Ahmed claimed to know where the counterfeit dollars had originated, and subsequently vacated the bank suggesting he would solve the issue but did not return.[151]

9. According to the CBS Governor, when a full inventory of the currency held in the vault was performed, the full extent of the theft was realized. A combination of two keys is required to open the vault: the CBS tellers each have a key for one lock and the Director of Operations of the CBS, Hassan Sheikh, is responsible for the key to the other lock. At the time of writing both Muhyadin Mohammed Ahmed and Hassan Sheikh stand accused of involvement in the embezzlement of the funds by FGS authorities, and the whereabouts of Muhyadin Mohammed Ahmed—as well as further details on his role and history at the CBS—are unknown.

10. The case continues to be investigated by the Monitoring Group but once again calls into question the rules and procedures in place at the CBS, and the safeguards currently implemented to prevent the large-scale theft of state funds.

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[147] Counterfeit dollars examined by the Monitoring Group were printed on ordinary paper, likely with a commercial printing machine using regular ink. The bills were missing the watermark and security ribbons, and the serial numbers appear to have been added manually after printing

[148] See annex 4.1.

[149] See, inter alia, "$530,000 missing from Somali Central Bank in 'currency cleansing' scam" *Goobjoog News*, 25 August 2016. Available from http://goobjoog.com/english/?p=32661.

[150] Monitoring Group interview with Bashir Issa Ali in Nairobi on 7 September 2016.

[151] Ibid.

Annex 4.3: Public contracts and concessions

Annex 4.3.a: Smart Company for Public Service

11. On 20 September 2015, the Minister of Finance, Mohamed Aden Ibrahim, signed an agreement with Smart Company for Public Service ("Smart") for assistance in collecting road tax on vehicles.[152] The signatory on the contract, Mohamed Ali (Ugas) Abdulle, is listed as one of 135 traditional elders, representing the Abgaal (Hawiye) clan. According to the contract, Smart is entitled to 40 per cent of the revenues collected, and the Ministry of Finance—responsible for providing almost all the equipment necessary for tax collection activity—is entitled to the remaining 60 per cent.[153]

12. According to the Appropriation Act for 2016 Budget, USD 3,286,661 was collected from road tax in 2014 and USD 3,669,807 was collected from road tax in 2015. The Minister of Finance stated during a meeting with the SEMG in Mogadishu on 2 February 2016 that the agreement with Smart would increase the revenues.

13. A letter issued by the Minister of Finance dated 28 March 2016 ordered that funds collected via road tax be deposited in Account No. 30953809 at Salaam Somali Bank in Mogadishu.[154] On 31 March 2016, the Director General of the Ministry of Finance, Amina Sheikh Osman Mohamed, issued a letter clarifying that funds accrued via Smart be deposited in the Salaam account.[155] On 3 April 2016, the FGS Auditor General, Nur Farah Jimale, issued another letter refuting the previous order, and instead ordering that all funds accrued on behalf of the FGS be transferred to the Central Bank of Somalia (CBS).[156]

14. On 9 April 2016, State Minister of Finance, Abdullahi Mohamed Nur, issued a further letter supporting the enforcement of the Auditor General's order.[157] According to the information obtained by the SEMG, USD 194,000 of the Salaam Somali Bank funds were subsequently redirected to the CBS single treasury account.[158] On 22 July 2016, the Minister of Finance issued a further letter authorizing Smart to collect directly the road tax, thus avoiding depositing the funds to the CBS, disregarding the Auditor General's recommendation and allowing Smart direct access to the funds.[159]

Annex 4.3.b: Modern Technologies Inc.

15. On 24 July 2014, a contract was signed by former Minister for Transport and Civil Aviation, Said Ali Jama Korshel and Modern Technologies Inc. ("MT"), represented by Mohamed Farah Hirsi[160], to produce vehicle number plates, driving licences, and vehicle registration certificates in Somalia and create a database for all registered cars and drivers in Somalia. According to the terms of the agreement, MT and the Ministry of Transport and Civil Aviation would share the profits, 40 per cent and 60 per cent respectively.[161]

16. The initial contract entitled MT to a share of road tax collected by the Government. This provision was, however, not enforced and MT has limited its activities to manufacturing and issuing of car plates, driving licences and car registration certificates. On 22 July 2016, the Minister of Finance issued a letter to MT also authorizing MT to collect business and property taxes.

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[152] See figure 1.

[153] A copy of the contract with Smart Company for Public Service is held on file with the Secretariat.

[154] See figure 2.

[155] See figure 3.

[156] See figure 4. Order of the Prime Minister no. XRW/00010/2014; order of the Minister of Finance no. MOF/OM/00564/15 (signed by the Minister Mohamed Adan Ibrahim); and order of the Council of Ministers no. 317 from 17/12/1962, article 34. These legal provisions refer to the fact that all revenues collected from government taxes must be deposited in the Central Bank of Somalia.

[157] See figure 5.

[158] High-ranking FGS officials interviewed in Nairobi, March and July 2016.

[159] See figure 6.

[160] Mohamed Farah Hirsi a.k.a. "Suldan" also signed an agreement with the Ministry of Internal Security on 26 November 2016 for food supply of Police Forces on behalf of Perkins Logistics.

[161] The Monitoring Group was unable to determine how profits would be calculated and how tax liability would be assessed.

17. The FGS Auditor General, Nur Farah Jimale, subsequently issued a letter on 24 July 2016 informing the Minister of Finance that his actions went against Somali legislation, and that all money collected should be directed to the Single Treasury Account in the CBS.[162]

18. On 11 September 2016 the Monitoring Group sent correspondence to the Minister of Finance requesting information on the ownership and shareholding of both entities.[163] In response the Monitoring Group received a company profile for Smart—listing Ibrahim Mohamed Mohamud,[164] Mohamed Ahmed Mohamed, and Abdirahman Ali Ahmed as owners of the company—but did not receive information on the ownership of MT.

19. The SEMG has officially requested from the FGS information about the shareholders of Smart and MT as well as for the two companies that were granted the contract for food supply for NISA and Police Forces.[165] The Minister of Finance responded to the Group on 11 September 2016; however, instead of official data from Government entities[166], the SEMG received affidavits from the respective companies indicating the shareholders and the executives.[167]

Annex 4.3.c: Mogadishu Port

20. The contract between the Turkish company Albayrak Turizm Insaat Ticaret A.S. and the Minister of Public Works and Reconstruction, Marine Transport, Ports and Energy, for renovation and day-to-day operations of Mogadishu Port was signed on 24 October 2013.[168] The SEMG identified that contract in its previous midterm update to the Committee on 8 April 2015. The Financial Governance Committee (FGC) reviewed the contract in June 2014 and recommended its renegotiation. The FGC mentioned in its bi-annual report dated 31 October 2015 that the Ministry of Ports and Shipping requested the World Bank for technical assistance in the renegotiation process. The FGC also expressed concern regarding certain provisions of the agreement.

21. According to the contract, Albayrak is entitled to 45 per cent of the gross income of the port. At the end of 2015, Albayrak unilaterally announced that it would limit its payments to the FGS to USD 1 million per month, claiming that the costs of management of the port were too high, thereby jeopardising their investment program. The Minister of Finance met with the representatives of Albayrak on 14-15 March 2016 in Mogadishu and signed an Interim Agreement.[169] The contract allows Albayrak to deduct more expenses, thus increasing their share of the revenue generated by the port. According to the contract, the FGS would contribute to Albayrak USD 60,000 monthly, retroactively from 1 December 2015, for security expenses although Albayrak does not provide such services.[170] The cost of the perimeter walls to be built will be shared as follows: 60 per cent for FGS and 40 per cent for Albayrak. The service charge paid for the subcontractors will remain at USD 3.5 per ton, but the FGS will subsidise the expense with USD 2.5 per ton while Albayrak's support is limited to USD 1 per ton, making it a favourable deal to Albayrak.

22. Government officials and law enforcement agencies representatives informed the SEMG that Albayrak is paying high ranked FGS officials and politicians on a monthly basis, and that this new agreement was made with the intention to provide money for the upcoming electoral campaigns. Some sources indicated to the SEMG that regular cash payments were made to some FGS officials and Members of the Parliament.[171] The SEMG could not document these allegations but did corroborate them from multiple sources.

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[162] See figures 9.a and 9.b.

[163] S/AC.29/2016/SEMG/OC.91.

[164] Ibrahim Mohamed Mohamud is also the Chief Executive Officer (CEO) of SOWATCO (see Annex 4.4 on Chinook Urban Mining International).

[165] Email requests in February and August 2016 and official correspondence in September 2016.

[166] Although many business transactions in Somalia are trust-based and shareholdings of companies not recorded, the Ministry of Commerce and Industry maintains a registrar of companies.

[167] See figure 15.

[168] See figure 10.

[169] See figure 12.

[170] High ranked FGS officials and law enforcement representatives confirmed to SEMG in Mogadishu and Nairobi, on February, may, June and July, that the security of Mogadishu Port is provide by Somali authorities free of charge.

[171] Interviews conducted by the SEMG with members of the Somali business community and FGS officials in London, Dubai and Nairobi, in March, May, June and July 2016.

Annex 4.3.d: Aden Adde International Airport (MIA)

23. Favori LLC from Turkey entered into an agreement with the Minister of Information, Post, Telecommunication and Transportation for renovation and day-to-day operations of the MIA in January 2013.[172] The Monitoring Group considers it to be a technically poor deal for the FGS and a case of potential abuse by a private entity:

- Favori, which is obligated to rebuild the infrastructure and a new terminal (already accomplished) initially at its own cost, can subsequently deduct all expenses from future income of the airport, without any agreed and clear mechanism for assessing the actual cost of the investment;

- Favori receives 55 per cent of the net revenue generated by MIA and the FGS receives the remaining 45 per cent from the net revenue, which means that in the absence of technically precise terms and processes, Favori can deduct inflated expenses and consequently diminish the Government's share of net revenue;

- Favori is deducting salary taxes as expenses and has also been making use of a depreciation deduction at up to USD 300,000 per month; these processes were neither initially identified nor agreed upon with the FGS.

24. For instance, in the financial report sent by Favori to the FGS, the total revenue produced in June 2016 was USD 1,165,249.74 while the total expenses were USD 611,408.62, thus leaving a net profit of USD 553,841.12.[173] The same document indicates that the expenses included a depreciation deduction of USD 297,379.62. Accordingly, only USD 249,228.50 went to the FGS for the month of June 2016; but if the depreciation deduction by Favori had been disallowed, then the FGS revenue would have been increased by another USD 133,820.83.

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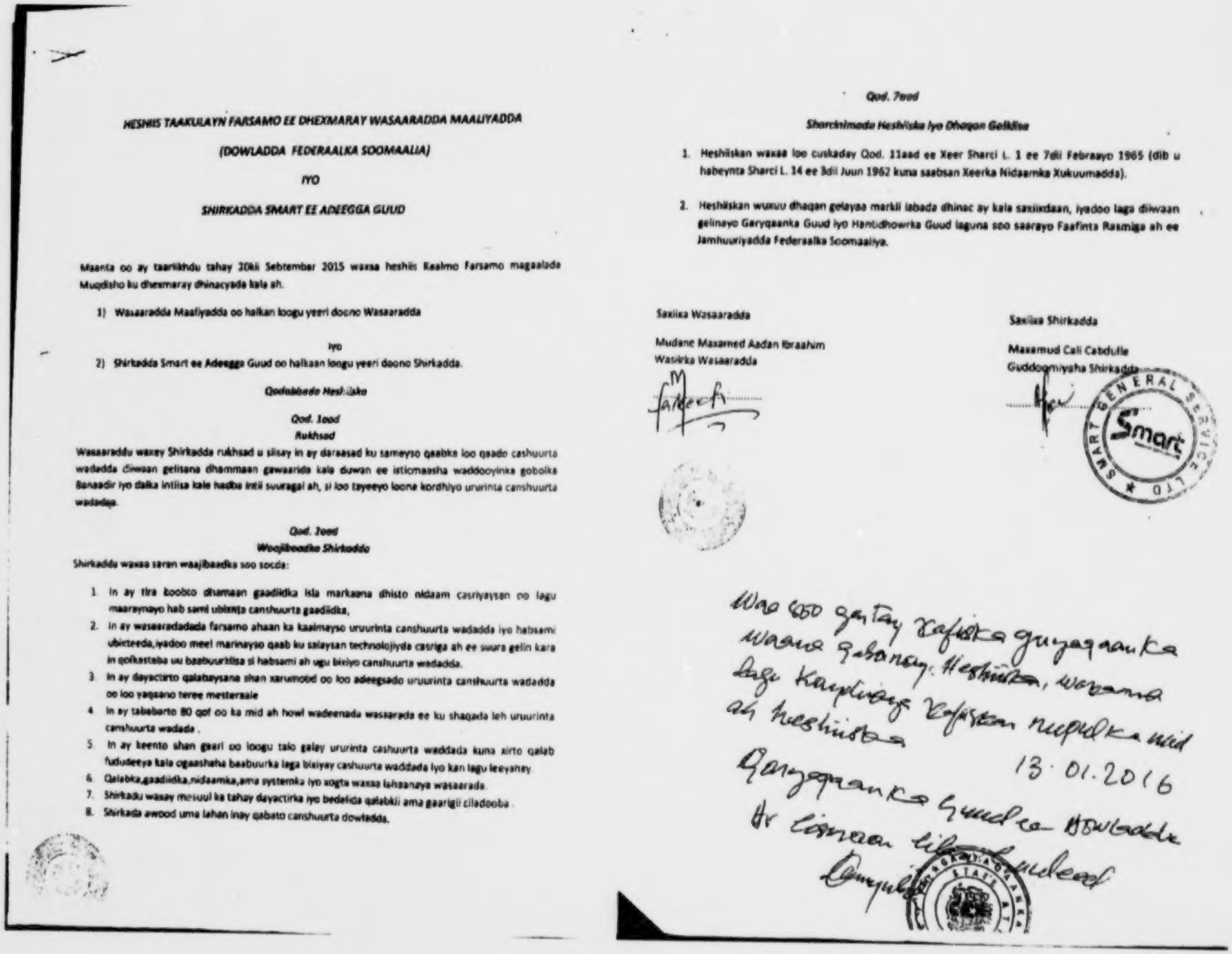
[172] See figure 11.

[173] See figures 13 and 14.

Figure 1: First and last page of Smart contract



HESHIIS TAAKULAYN FARSAMO EE DHEXMARAY WASAARADDA MAALIYADDA

(DOWLADDA FEDERAALKA SOOMAALIA)

IYO

SHIRKADDA SMART EE ADEEGGA GUUD

Maanta oo ay taariikhdu tahay 20kii Sebtembar 2015 waxaa heshiis Kaalmo Farsamo magaalada Muqdisho ku dhexmaray dhinacyada kala ah.

1) Wasaaradda Maaliyadda oo halkan loogu yeeri doono Wasaaradda

iyo

2) Shirkadda Smart ee Adeegga Guud oo halkaan longu yeeri doono Shirkadda.

Qodobbada Heshiiska

Qod. 1aad
Rukhsad

Wasaaraddu waxey Shirkadda rukhsad u siisay in ay daraasad ku sameyso qaabka loo qaado cashuurta wadadda diiwaan gelisana dhammaan gawaarida kala duwan ee istiimaasha waddooyinka gobolka Banaadir iyo dalka intiisa kale hadba intii suuragal ah, si loo tayeeyo loona kordhiyo ururinta canshuurta wadadaa.

Qod. 2aad
Waajibaadka Shirkadda

Shirkadda waxaa saran waajibaadka soo socda:

1. In ay tira koobto dhamaan gaadiidka isla markaana dhisto nidaam casriyaysan oo lagu maareynayo hab sami ubixinta canshuurta gaadiidka,
2. In ay wasaaradadada farsamo ahaan ka kaalmayso ururinta canshuurta wadadda iyo habsami ubixteeda,iyadoo meel marinayso qaab ku salaysan technolojiyda casriga ah ee suura gelin kara in qofkastaba uu baabuurkiisa si habsami ah ugu bixiyo canshuurta wadadda.
3. In ay dayactirto qalabaysana shan xarumood oo loo adeegsado ururinta canshuurta wadadda oo loo yaqaano teree mesteraale
4. In ay tababarto 80 qof oo ka mid ah howl wadeenada wasaarada ee ku shaqada leh ururinta canshuurta wadada .
5. In ay keento shan gaari oo loogu talo galay ururinta cashuurta waddada kuna xirto qalab fududeeya kala ogaanshaha baabuurka laga bixiyay cashuurta waddada iyo kan lagu leeyahay
6. Qalabka,gaadiidka,nidaamka,ama systemka iyo xogta waxaa lahaanaya wasaarada.
7. Shirkadu waxay mesuul ka tahay dayactirka iyo bedelida qalabkii ama gaarigii ciladooba .
8. Shirkada awood uma lahan inay qabato canshuurta dowladda.

Qod. 7aad

Sharcinimada Heshiiska iyo Dhaqan Galkiisa

1. Heshiiskan waxaa loo cuskaday Qod. 11aad ee Xeer Sharci L. 1 ee 7dii Febraayo 1965 (dib u habeynta Sharci L. 14 ee 3dii Juun 1962 kuna saabsan Xeerka Nidaamka Xukuumadda).
2. Heshiiskan wuxuu dhaqan gelayaa markii labada dhinac ay kala saxiixdaan, iyadoo laga diiwaan gelinayo Garyqaanka Guud iyo Hantidhowrka Guud laguna soo saarayo Faafinta Rasmiga ah ee Jamhuuriyadda Federaalka Soomaaliya.

Saxiixa Wasaaradda

Mudane Maxamed Aadan Ibraahim
Wasiirka Wasaaradda

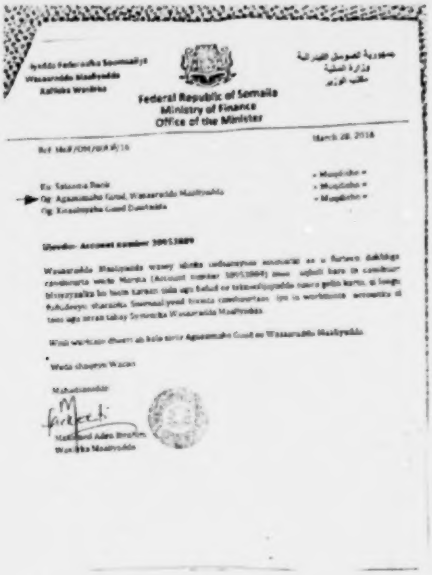
Saxiixa Shirkadda

Maxamud Cali Cabdulle
Guddoomiyaha Shirkadda

SMART GENERAL SERVICE LTD

Waa soo gartay xafiiska guryaqaanka waana qabanay. Heshiiska, waxaana laga kaydinayaa xafiiskan nuqulka mid ah heshiiska
13.01.2016
Garyaqaanka Guud ee Dowladda
Dr Cismaan Libaax Guuleed

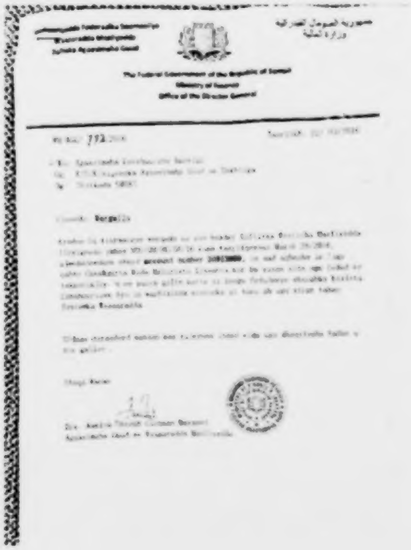
Figure 2: Letter from the Minister of Finance ordering the opening of an account at Salaam Somali Bank in order to collect the road tax

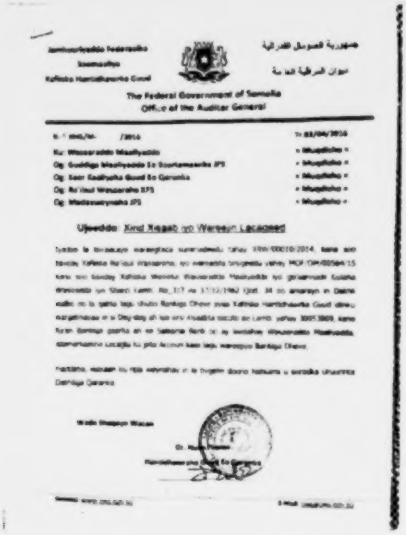


Federal Republic of Somalia
Ministry of Finance
Office of the Minister

March 28, 2016

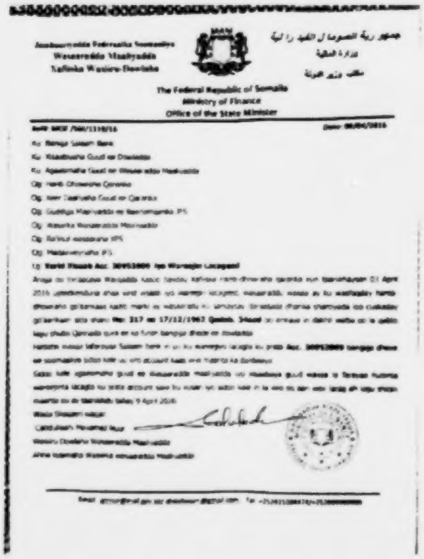
Figure 3: Letter from Director Amina Sheikh Osman Mohamed





The Federal Government of Somalia
Office of the Auditor General

Figure 4: Letter from the Auditor General ordering to transfer the money collected in Salaam Somali Bank for road tax to the Central Bank



The Federal Republic of Somalia
Ministry of Finance
Office of the State Minister

Figure 5: Letter from State Minister Cabdullaahi Maxamed Nuur ordering the return of the money collected in Salaam Somali Bank to the Central Bank

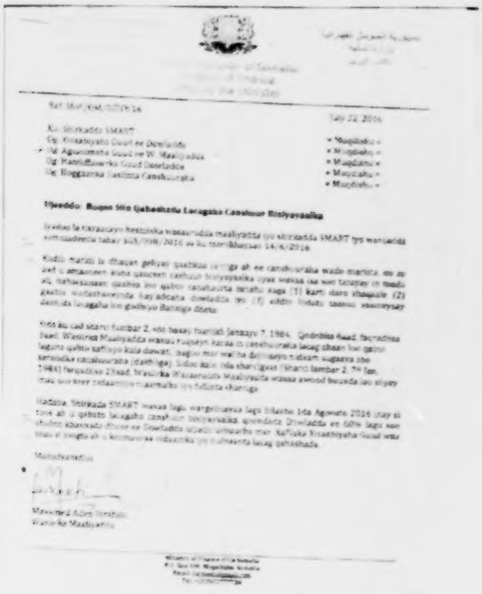
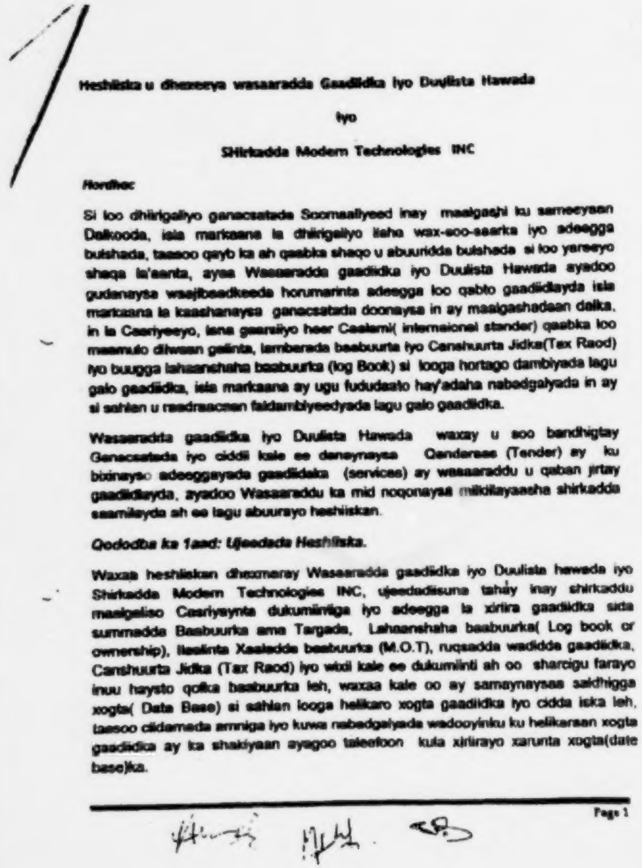


Figure 6: Letter of the Minister of Finance, authorizing Smart to directly collect road tax

Figure 7: First and last pages of the MT contract



Heshiiska u dhexeeya wasaaradda Gaadiidka iyo Duulista Hawada

iyo

SHirkadda Modern Technologies INC

Hordhac

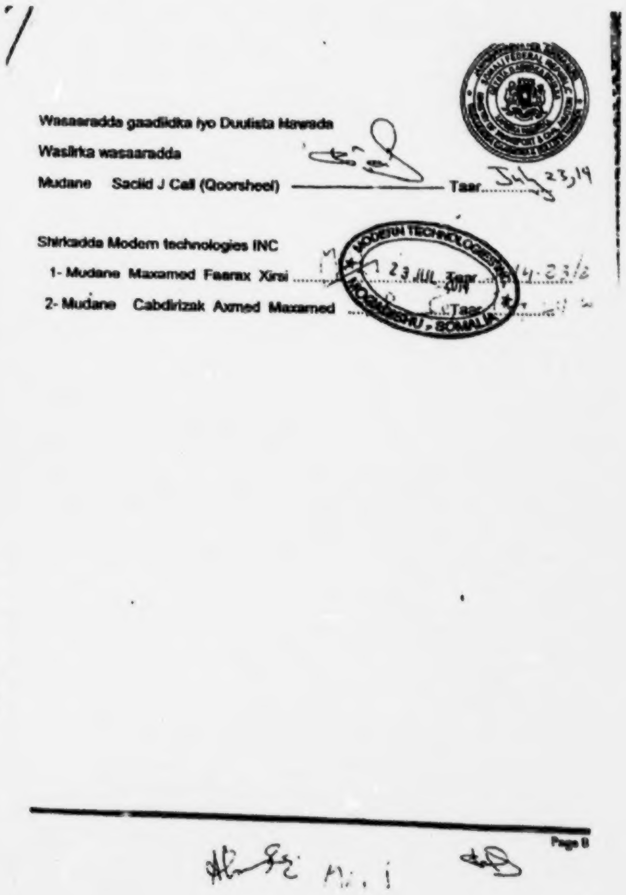
Si loo dhiirigaliyo ganacsatada Soomaaliyeed inay maalgashi ku sameeyaan Dalkooda, isla markaana la dhiirigaliyo liaha wax-soo-saarka iyo adeegga bulshada, taasoo qayb ka ah qaabka shaqo u abuuridda bulshada si loo yareeyo shaqa la'aanta, ayaa Wasaaradda gaadiidka iyo Duulista Hawada ayadoo gudanaysa waajibaadkeeda horumarinta adeegga loo qabto gaadiidlayda isla markaana la kaashanaysa ganacsatada doonaysa in ay maalgashadaan dalka, in la Casriyeeyo, lana gaarsiiyo heer Caalami(internaional stander) qaabka loo maamulo diiwaan galinta, lamberada baabuurta iyo Canshuurta Jidka(Tax Raod) iyo buugga lahaanshaha baabuurta (log Book) si looga hortago dambiyada lagu galo gaadiidka, isla markaana ay ugu fududaato hay'adaha nabadgalyada in ay si sahlan u raadraacaan faldambiyeedyada lagu galo gaadiidka.

Wasaaradda gaadiidka iyo Duulista Hawada waxay u soo bandhigtay Ganacsatada iyo ciddii kale ee danaynaysa Qandaraas (Tender) ay ku bixinayso adeegyada gaadiidka (services) ay wasaaraddu u qaban jirtay gaadiidlayda, ayadoo Wasaaraddu ka mid noqonaysa milkiilayaasha shirkadda saamilayda ah ee lagu abuurayo heshiiskan.

Qodobka ka 1aad: Ujeedada Heshiiska.

Waxaa heshiiskan dhexmaray Wasaaradda gaadiidka iyo Duulista hawada iyo Shirkadda Modern Technologies INC, ujeedadiisuna tahay inay shirkaddu maalgaliso Casriyaynta dukumiintiga iyo adeegga la xiriira gaadiidka sida summadda Baabuurka ama Targada, Lahaanshaha baabuurka(Log book or ownership), Ilaalinta Xaaladda baabuurka (M.O.T), ruqsadda wadidda gaadiidka, Canshuurta Jidka (Tax Raod) iyo wixii kale ee dukumiinti ah oo sharcigu farayo inuu haysto qofka baabuurka leh, waxaa kale oo ay samaynaysaa kaydhigga xogta(Data Base) si sahlan looga helikaro xogta gaadiidka iyo cidda iska leh, taasoo ciidamada amniga iyo kuwa nabadgalyada wadooyinku ku helikaraan xogta gaadiidka ay ka shakiyaan ayagoo taleefoon kula xiriirayo xarunta xogta(date base)ka.

Page 1



Wasaaradda gaadiidka iyo Duulista Hawada

Wasiirka wasaaradda

Mudane Saciid J Call (Qoorsheel) ____________ Taar July 23,14

Shirkadda Modern technologies INC

1- Mudane Maxamed Faarax Xirsi .... Taar 14.23/2

2- Mudane Cabdirizak Axmed Maxamed .... Taar ....

MODERN TECHNOLOGIES INC
23 JUL 2014
MOGADISHU - SOMALIA

Page 8

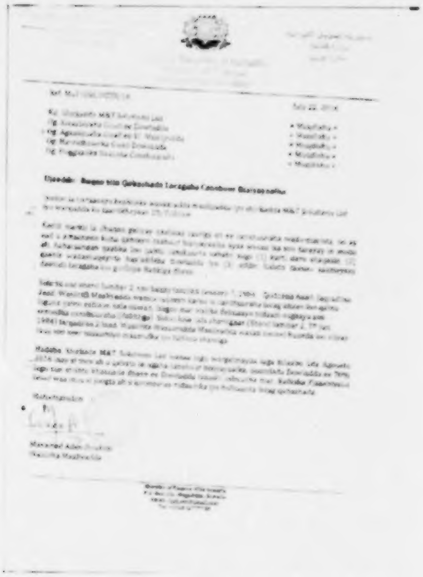


Figure 8: Letter from the Minister of Finance allowing MT to collect taxes directly

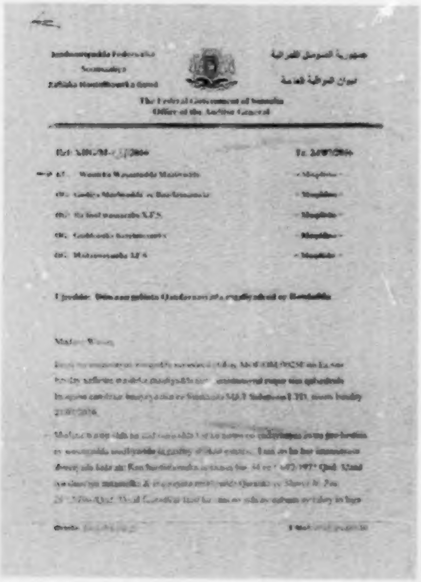
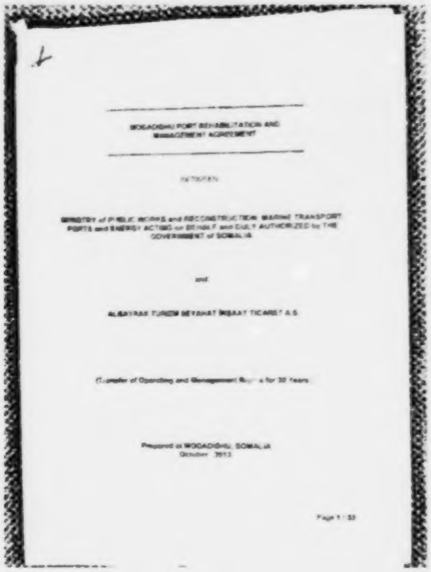


Figure 9a: First page of the AG's letter regarding the illegality of the tax collecting concession awarded by the Minister of Finance to MT

Figure 9b: Second page of the same document to directly collect taxes

Figure 10: first page of the contract with Albayrak



MOGADISHU PORT REHABILITATION AND
MANAGEMENT AGREEMENT

BETWEEN

MINISTRY of PUBLIC WORKS and RECONSTRUCTION, MARINE TRANSPORT
PORTS and ENERGY ACTING on BEHALF and DULY AUTHORIZED by THE
GOVERNMENT of SOMALIA

and

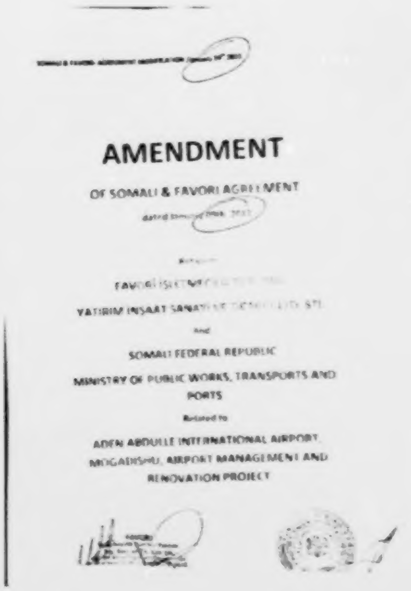
ALBAYRAK TURIZM SEYAHAT INSAAT TICARET A.S.

(Transfer of Operating and Management Rights for [illegible] Years)

Prepared at MOGADISHU, SOMALIA
October 2013

Page 1 / [illegible]

Figure 11: First page of the final version of the agreement with Favori from 24 January 2013



[illegible]

AMENDMENT

OF SOMALI & FAVORI AGREEMENT

dated January [illegible]

Between

FAVORI ISLETME[illegible]

YATIRIM INSAAT SANAYI [illegible] STI.

And

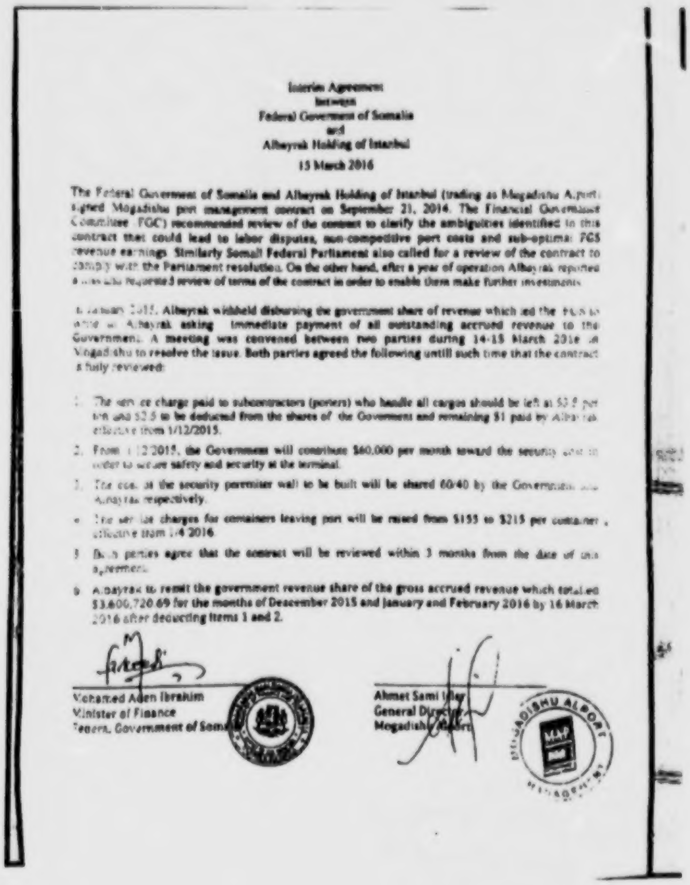
SOMALI FEDERAL REPUBLIC

MINISTRY OF PUBLIC WORKS, TRANSPORTS AND
PORTS

Related to

ADEN ABDULLE INTERNATIONAL AIRPORT,
MOGADISHU, AIRPORT MANAGEMENT AND
RENOVATION PROJECT

Figure 12: Interim agreement between the Minister of Finance and Albayrak



Interim Agreement
between
Federal Government of Somalia
and
Albayrak Holding of Istanbul
15 March 2016

The Federal Government of Somalia and Albayrak Holding of Istanbul (trading as Mogadishu Airport) signed Mogadishu port management contract on September 21, 2014. The Financial Governance Committee (FGC) recommended review of the contract to clarify the ambiguities identified in this contract that could lead to labor disputes, non-competitive port costs and sub-optimal FGS revenue earnings. Similarly Somali Federal Parliament also called for a review of the contract to comply with the Parliament resolution. On the other hand, after a year of operation Albayrak reported a [illegible] requested review of terms of the contract in order to enable them make further investments.

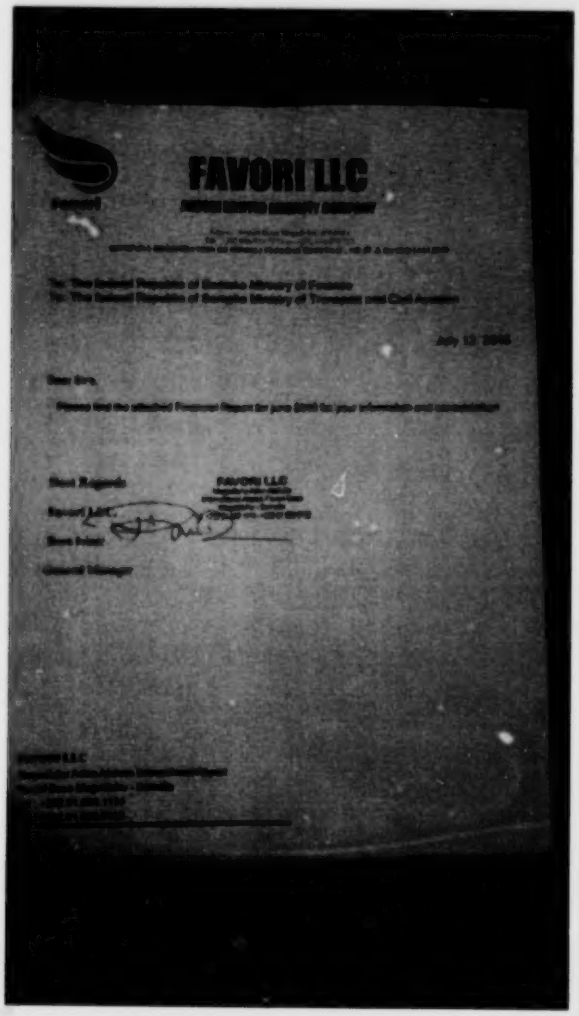
In January 2016, Albayrak withheld disbursing the government share of revenue which led the FGS to write to Albayrak asking immediate payment of all outstanding accrued revenue to the Government. A meeting was convened between two parties during 14-15 March 2016 in Mogadishu to resolve the issue. Both parties agreed the following untill such time that the contract is fully reviewed:

1. The service charge paid to subcontractors (porters) who handle all cargos should be left at $3.5 per ton and $2.5 to be deducted from the shares of the Goverment and remaining $1 paid by Albayrak effective from 1/12/2015.
2. From 1/12/2015, the Government will contribute $60,000 per month toward the security cost in order to secure safety and security at the terminal.
3. The cost of the security perimeter wall to be built will be shared 60/40 by the Government and Albayrak respectively.
4. The service charges for containers leaving port will be raised from $155 to $215 per container, effective from 1/4/2016.
5. Both parties agree that the contract will be reviewed within 3 months from the date of this agreement.
6. Albayrak to remit the government revenue share of the gross accrued revenue which totaled $3,600,720.69 for the months of December 2015 and January and February 2016 by 16 March 2016 after deducting items 1 and 2.

Mohamed Aden Ibrahim
Minister of Finance
Federal Government of Soma

Ahmet Sami [illegible]
General Director
Mogadishu Airport

Figure 13: Favori financial report for the first 6 months



FAVORI LLC

Figure 14: Financial situation for June 2016

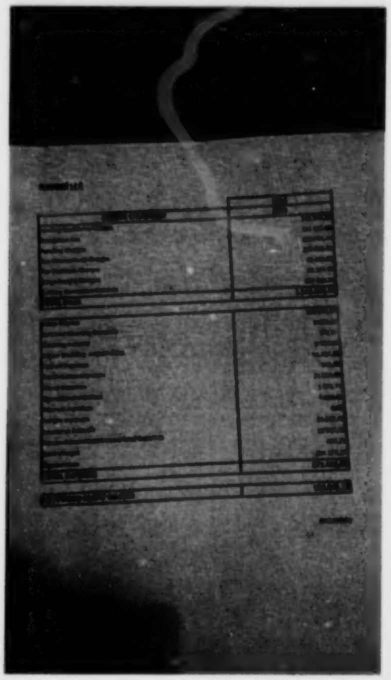
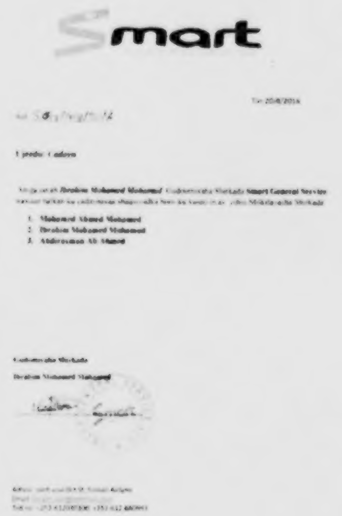


Figure 15: Statement from Smart indicating the shareholders of the company



1. Mohamed Ahmed Mohamed
2. Ibrahim Mohamed Mohamed
3. Abdirahman Ali Ahmed

Ibrahim Mohamed Mohamed

Annex 4.4: Chinook Urban Mining International

25. In March 2016, the Monitoring Group was made aware of an ultimately abortive plan by FGS officials to sign a contract with the UK-based company Chinook Urban Mining International for the import of 1.5 million metric tonnes of municipal waste from Lebanon into Somalia. Email correspondence reviewed by the Monitoring Group suggested that officials stood to receive personal financial gain from the deal.[174] These emails also show that Buri Hamza, the former FGS State Minister for the Environment, was Chinook's point of contact with the FGS.

26. However, in an indication of improving FGS public financial management, the Chinook deal never materialized. After coming to the attention of senior FGS officials, including the Office of the President, a contract with Chinook was ultimately never signed. Buri Hamza later denied in an email to FGS officials ever having come to an arrangement with Chinook, and declared that he had never had the intention to allow Somalia to become a dumping ground for Lebanon's excess waste.[175]

27. In July 2015, Lebanon was faced with a municipal waste crisis after protestors forced the closure of the country's largest landfill. As rubbish piled up in the streets, the Council for Development and Reconstruction (CDR) was tasked with coming up with a scheme to deal with the excess waste; in December 2015, the CDR approved a plan to export the excess waste to a foreign country at an estimated cost of USD 193 million per year. The same month, Chinook Urban Mining International, a company based in London, was given preliminary approval by the CDR to transport the waste, pending the company's ability to reach a deal with a country to receive the waste.

28. In order to secure the release of an initial USD 50 million in funding from the Government of Lebanon, Chinook was required to show documentation that the company had received an agreement from a host country. While an initial deal was announced for the Russian Federation to accept the waste, a Russian official subsequently stated that Chinook had forged the documents granting approval.[176] An attempt to reach an agreement with the Government of Sierra Leone also failed.[177]

29. Chinook then began to explore the possibility of Somalia as a recipient country for Lebanon's waste. A letter of approval purporting to be from the FGS Ministry of the Environment,[178] dated 14 January 2016 and addressed to Chinook Chairman Tariq Al Haidary, stipulated the FGS' intention to receive the waste for an initial period of two years (this letter is attached as Figure 1). The letter stated that two local companies—Somali Water Treatment and Waste Management Company (SOWATCO) and Africa Waste and Disposal Management Company Limited for Somalia—had been issued licenses to process the waste, and also laid out an ambitious plan for Chinook to build a processing plant to transform the imported waste into biogas.[179]

30. In an 11 March 2016 email (see below), a Somali middleman discussed a proposed meeting between State Minister Hamza and Chinook Chairman Tariq Al Haidary, to take place in Dubai on 16 or 17 March. The email made reference to a document that Hamza was required to sign, and promised that "…the project will also offer significant financial proposition to the participating officials, however that will be discussed in details up our forth coming meeting". However, the Dubai meeting never took place. Emails in possession of the SEMG show that once the CBS Governor, Bashir Issa Ali , and Minister of Finance, Mohamed Ibrahim Aden, became aware of the letter of approval, Buri Hamza was quick to

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[174] Copies of the email correspondence on file with the Secretariat.

[175] Email from Buri Hamza to FGS officials, 11 March 2016, on file with the Secretariat.

[176] George Fahkry, "Lebanon's waste crisis back to square one", *An-Nahar English*, 18 February 2016. Available from http://en.annahar.com/article/313451-cabinet-meets-over-waste-crisis.

[177] IPEN, "Lebanon Plans to Dump Its Garbage on Africa or Middle East Neighbors", press release, 12 January 2016. Available from http://www.ipen.org/news/press-release-lebanon-plans-dump-its-garbage-africa-or-middle-east-neighbors.

[178] It should be noted the letter was written on letterhead purporting to belong to the FGS Ministry of the Environment, a line ministry that does not currently exist. Rather, the environment portfolio is represented only by a State Minister for the Environment.

[179] The identity of the signatory of the letter is not clear from the copy obtained by the Monitoring Group.

disavow the deal. In an 11 March 2016 email forwarded to the CBS Governor, Hamza wrote "As a Minister of State for Environment of the Federal Republic of Somalia, I will BY NO MEANS allow anyone to dump wastes in our country." Hamza forwarded the same message to other FGS officials on 26 March, adding, "Those fellows thought that I would be lured to their lucrative compensation. How could they be so stupid!"[180]

31. On 25 June 2016, Hamza was killed during a complex Al-Shabaab terror attack at the Nasa Hablod hotel in Mogadishu, in which 14 other people lost their lives.

32. The Monitoring Group contacted Chinook Urban Mining International for comment on 10 August and 3 September 2016, without receiving a response.

33. The SEMG wrote to the Government of Lebanon on 18 April 2016, requesting a clarification of the status of the contract with Chinook. In its reply, the Government of Lebanon stated that the CDR had not signed any contract or agreement with Chinook Urban Mining.[181] The letter further stated that:

> The Government of Lebanon gave preliminary approval for Chinook Urban Mining International to transport waste abroad, provided that the company submits documents demonstrating the consent of the country that will receive the waste. After the company had failed to meet this condition, that approval was withdrawn.[182]

34. The SEMG notes the positive steps taken by the FGS, in particular Governor Issa and Minister Ibrahim, with regards to identifying and forestalling the signing of the contract with Chinook Urban Mining International. The exposure of the Chinook letter of approval provides an indication of the ongoing maturation of the FGS' public financial management system.

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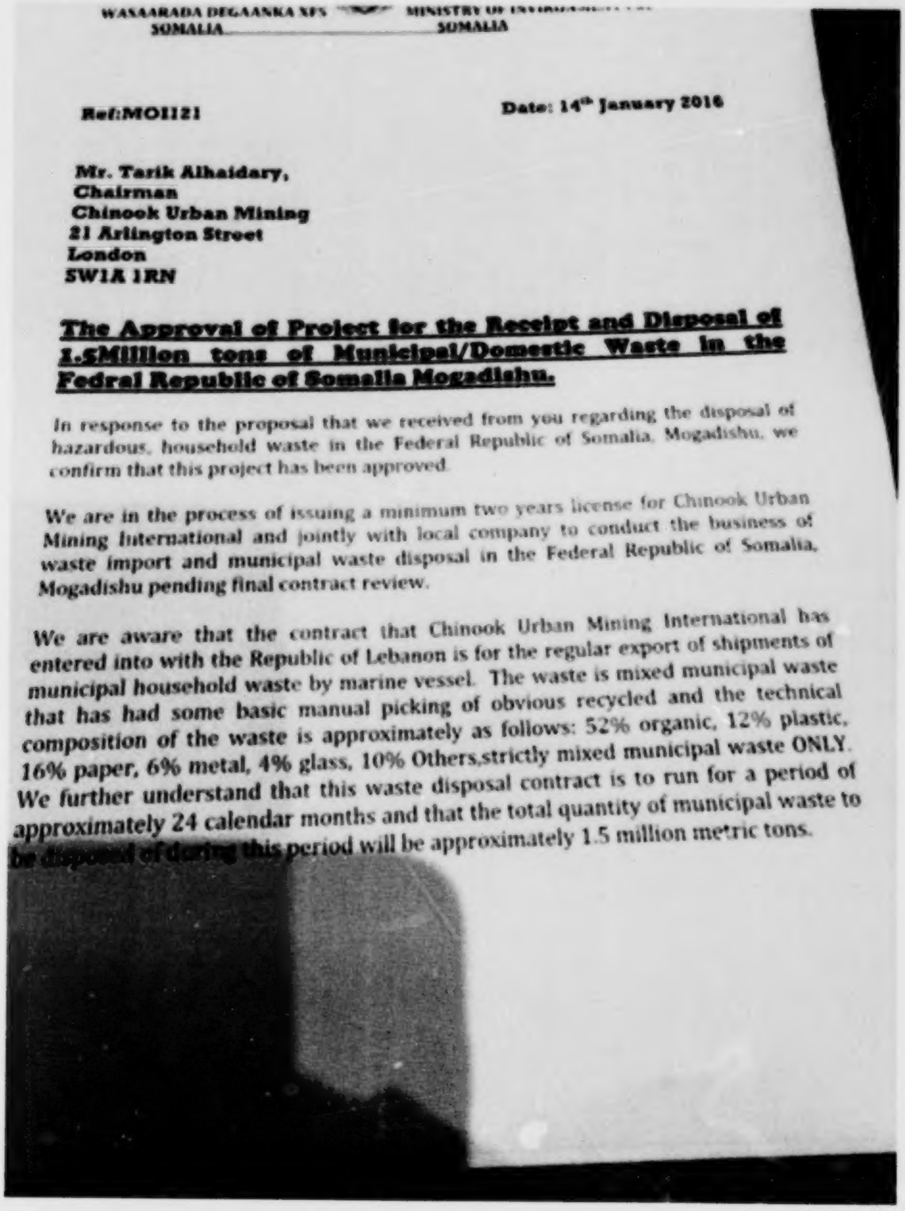
[180] Emails provided to the Monitoring Group by a party copied thereon.

[181] Letter to the SEMG from the Permanent Mission of Lebanon to the United Nations, 20 May 2016, official translation from Arabic.

[182] Ibid.

Figure 1: Approval letter for Chinook Urban Mining International on behalf of the FGS



WASAARADA DEGAANKA XFS **MINISTRY OF [illegible]**
SOMALIA **SOMALIA**

Ref:MOI121 **Date: 14th January 2016**

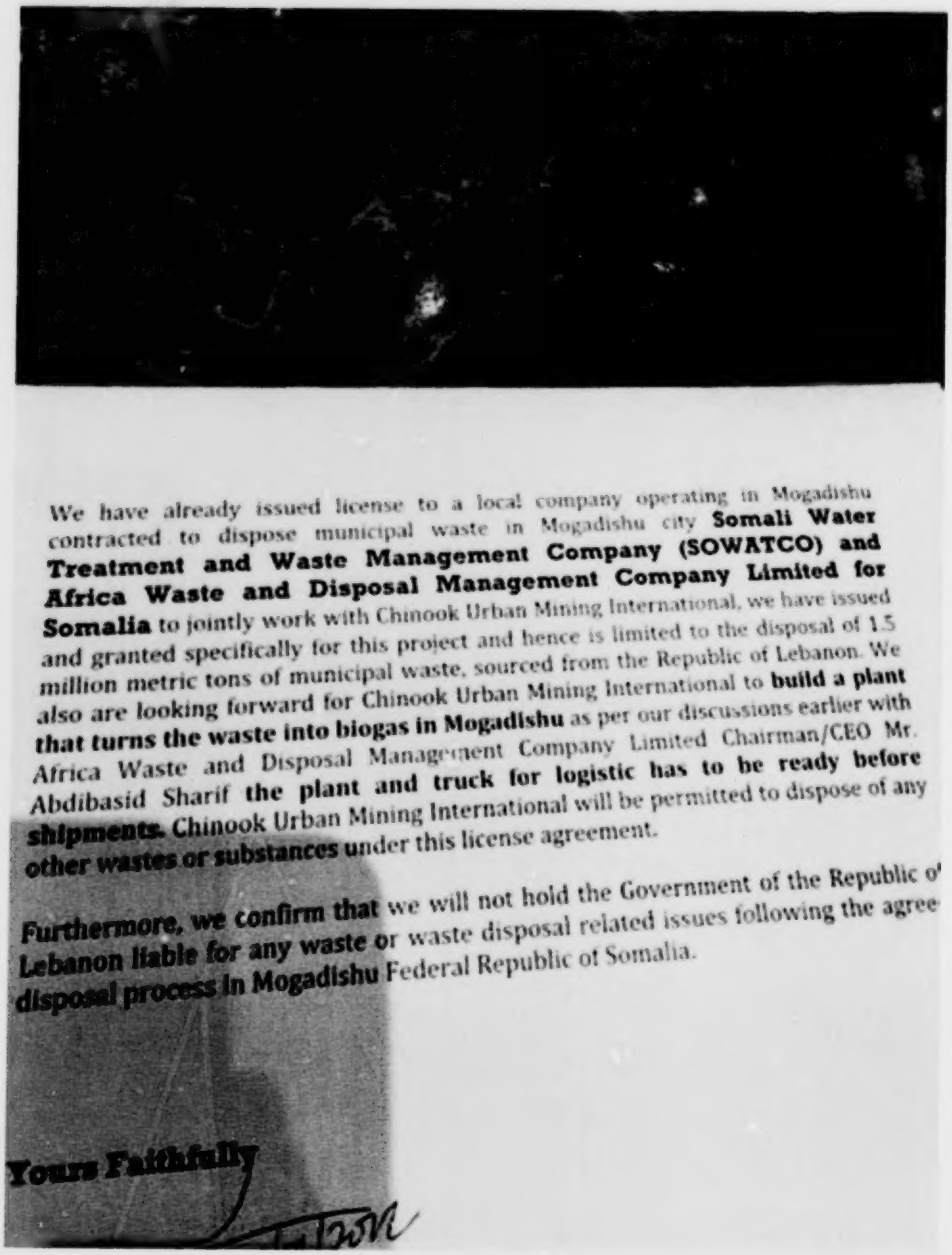
Mr. Tarik Alhaidary,
Chairman
Chinook Urban Mining
21 Arlington Street
London
SW1A 1RN

The Approval of Project for the Receipt and Disposal of 1.5Million tons of Municipal/Domestic Waste in the Fedral Republic of Somalia Mogadishu.

In response to the proposal that we received from you regarding the disposal of hazardous, household waste in the Federal Republic of Somalia, Mogadishu, we confirm that this project has been approved.

We are in the process of issuing a minimum two years license for Chinook Urban Mining International and jointly with local company to conduct the business of waste import and municipal waste disposal in the Federal Republic of Somalia, Mogadishu pending final contract review.

We are aware that the contract that Chinook Urban Mining International has entered into with the Republic of Lebanon is for the regular export of shipments of municipal household waste by marine vessel. The waste is mixed municipal waste that has had some basic manual picking of obvious recycled and the technical composition of the waste is approximately as follows: 52% organic, 12% plastic, 16% paper, 6% metal, 4% glass, 10% Others,strictly mixed municipal waste ONLY. We further understand that this waste disposal contract is to run for a period of approximately 24 calendar months and that the total quantity of municipal waste to be disposed of during this period will be approximately 1.5 million metric tons.

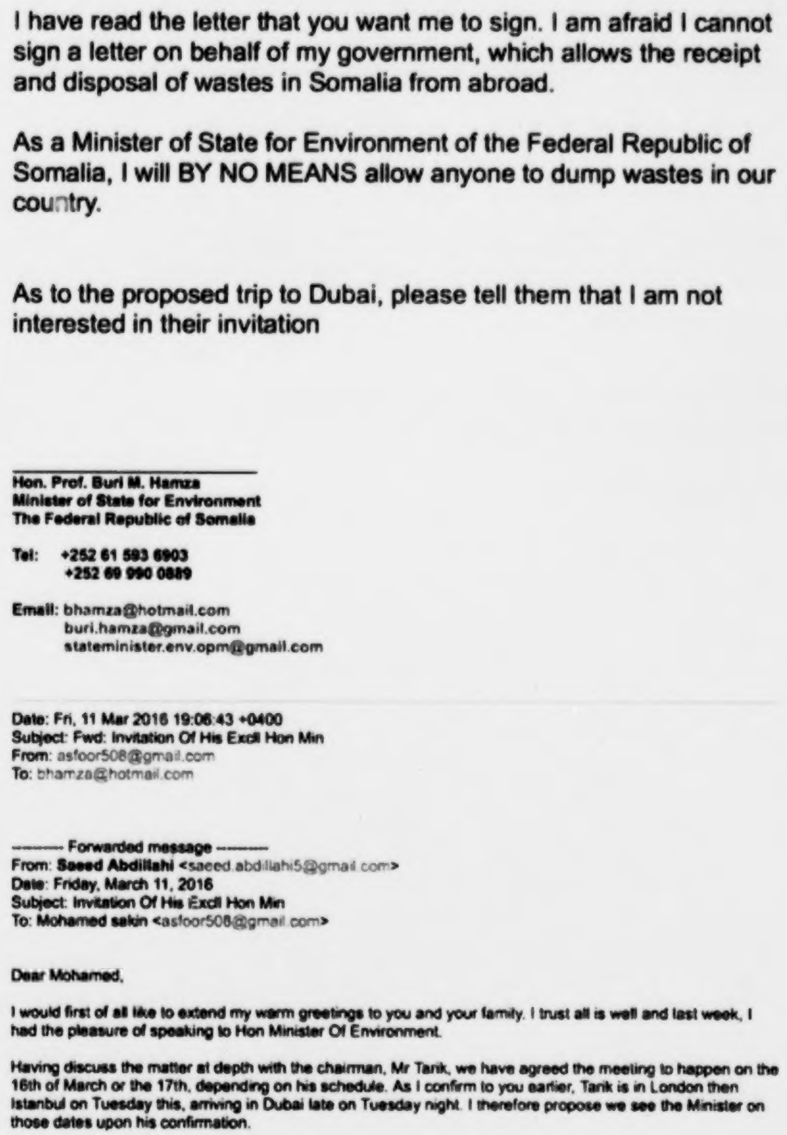


We have already issued license to a local company operating in Mogadishu contracted to dispose municipal waste in Mogadishu city **Somali Water Treatment and Waste Management Company (SOWATCO) and Africa Waste and Disposal Management Company Limited for Somalia** to jointly work with Chinook Urban Mining International, we have issued and granted specifically for this project and hence is limited to the disposal of 1.5 million metric tons of municipal waste, sourced from the Republic of Lebanon. We also are looking forward for Chinook Urban Mining International to **build a plant that turns the waste into biogas in Mogadishu** as per our discussions earlier with Africa Waste and Disposal Management Company Limited Chairman/CEO Mr. Abdibasid Sharif **the plant and truck for logistic has to be ready before shipments.** Chinook Urban Mining International will be permitted to dispose of any other wastes or substances under this license agreement.

Furthermore, we confirm that we will not hold the Government of the Republic o Lebanon liable for any waste or waste disposal related issues following the agree disposal process in Mogadishu Federal Republic of Somalia.

Yours Faithfully

Figure 2. Emails outlining the proposed Dubai meeting and offering "significant financial proposition" to public officials involved in the deal



I have read the letter that you want me to sign. I am afraid I cannot sign a letter on behalf of my government, which allows the receipt and disposal of wastes in Somalia from abroad.

As a Minister of State for Environment of the Federal Republic of Somalia, I will BY NO MEANS allow anyone to dump wastes in our country.

As to the proposed trip to Dubai, please tell them that I am not interested in their invitation

Hon. Prof. Buri M. Hamza
Minister of State for Environment
The Federal Republic of Somalia

Tel: +252 61 593 6903
+252 69 990 0889

Email: bhamza@hotmail.com
buri.hamza@gmail.com
stateminister.env.opm@gmail.com

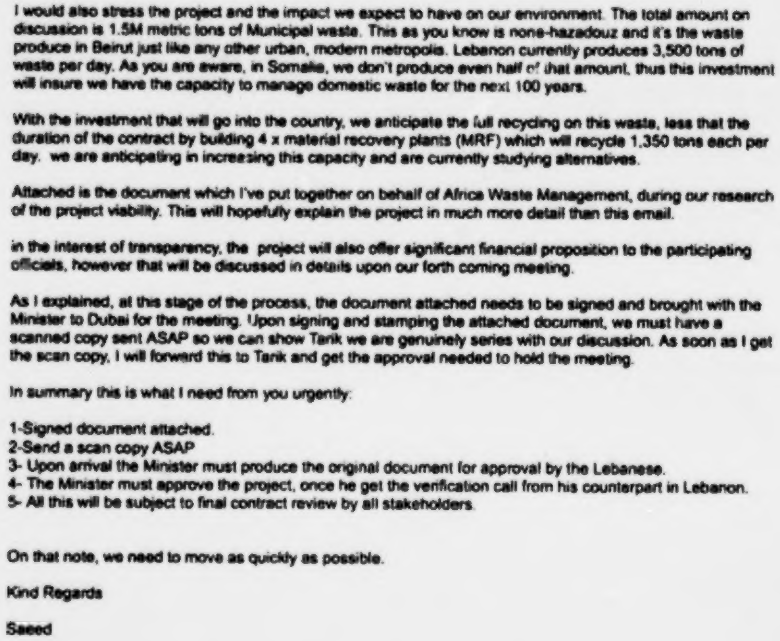
Date: Fri, 11 Mar 2016 19:06:43 +0400
Subject: Fwd: Invitation Of His Excll Hon Min
From: asfoor508@gmail.com
To: bhamza@hotmail.com

---------- Forwarded message ----------
From: **Saeed Abdillahi** <saeed.abdillahi5@gmail.com>
Date: Friday, March 11, 2016
Subject: Invitation Of His Excll Hon Min
To: Mohamed sakin <asfoor508@gmail.com>

Dear Mohamed,

I would first of all like to extend my warm greetings to you and your family. I trust all is well and last week, I had the pleasure of speaking to Hon Minister Of Environment.

Having discuss the matter at depth with the chairman, Mr Tarik, we have agreed the meeting to happen on the 16th of March or the 17th, depending on his schedule. As I confirm to you earlier, Tarik is in London then Istanbul on Tuesday this, arriving in Dubai late on Tuesday night. I therefore propose we see the Minister on those dates upon his confirmation.



I would also stress the project and the impact we expect to have on our environment. The total amount on discussion is 1.5M metric tons of Municipal waste. This as you know is none-hazadouz and it's the waste produce in Beirut just like any other urban, modern metropolis. Lebanon currently produces 3,500 tons of waste per day. As you are aware, in Somalia, we don't produce even half of that amount, thus this investment will insure we have the capacity to manage domestic waste for the next 100 years.

With the investment that will go into the country, we anticipate the full recycling on this waste, less that the duration of the contract by building 4 x material recovery plants (MRF) which will recycle 1,350 tons each per day. we are anticipating in increasing this capacity and are currently studying alternatives.

Attached is the document which I've put together on behalf of Africa Waste Management, during our research of the project viability. This will hopefully explain the project in much more detail than this email.

in the interest of transparency, the project will also offer significant financial proposition to the participating officials, however that will be discussed in details upon our forth coming meeting.

As I explained, at this stage of the process, the document attached needs to be signed and brought with the Minister to Dubai for the meeting. Upon signing and stamping the attached document, we must have a scanned copy sent ASAP so we can show Tarik we are genuinely series with our discussion. As soon as I get the scan copy, I will forward this to Tarik and get the approval needed to hold the meeting.

In summary this is what I need from you urgently:

1-Signed document attached.
2-Send a scan copy ASAP
3- Upon arrival the Minister must produce the original document for approval by the Lebanese.
4- The Minister must approve the project, once he get the verification call from his counterpart in Lebanon.
5- All this will be subject to final contract review by all stakeholders.

On that note, we need to move as quickly as possible.

Kind Regards

Saeed

Annex 4.5: Telecommunications sector

35. The telecommunication industry has been by far the most dynamic economic sector in Somalia. Although a competitive market, the telecommunication sector is dominated by Hormuud Telecom, which holds an estimated 45 per cent of the market share. The company operates in southern and central Somalia and has partnerships with Telesom, which operates in Somaliland, and with Golis Telecom, which operates in Puntland. Ali Ahmed Nur Jimale is a major shareholder in all three companies.[183] Other significant operators are Nationlink, operating in southern and central Somalia, Puntland, and Somaliland; Somafone, operating in major cities in southern and central Somalia; and Somtel, a subsidiary of Dahabshiil, operating throughout Somalia.

Annex 4.5.a: Taxation and regulation

36. Weak legislation and corruption make tax collection, the basis of a functioning modern state, a principal challenge for the FGS. The telecommunication sector's contribution to tax revenue is nominal. With a turnover of USD 1 billion per year, telecommunication companies contributed only USD 4,800,000 in taxes to the FGS. This figure represents the contribution of Hormuud Telecom, which has an agreement with the FGS since 2014 to pay a flat fee of USD 400,000 per month.[184] Other telecommunications companies do not pay any taxes to the FGS but some of them are paying taxes to Puntland and Somaliland.

37. An adequate legal and regulatory system for the telecommunication industry does not exist. The National Communication Act, proposed more than two years ago but not yet approved by the Federal Parliament, intended to provide the FGS with the necessary tools (such as access to information) to enforce taxation. In addition to delays in passing legislation, former and present FGS officials as well as employees of law enforcement agencies have claimed that FGS officials and politicians have been paid by telecommunication companies, including in the form of contributions to electoral campaigns.[185] In addition, these same sources have indicated to the Monitoring Group that most of these companies also pay protection fees to Al-Shabaab. The size of these fees is difficult to assess, but they could be approximately USD 1 million per month for southern and central Somalia (or more than double the amount paid in taxes to the FGS per month).[186] The most vulnerable MNO to Al-Shabaab threats is Hormuud Telecom as they have the biggest network in the country.

Annex 4.5.b: Mobile money and security risks

38. Since 2009, several telecommunication companies started offering mobile money services to their clients in Somalia. Mobile money transfer is now widely used and it provides quick access to financial services. It also allows Somalis to avoid carrying cash money in a country where security risks are high. The main mobile money services are:

- EVC- PLUS offered by Hormuud Telecom in southern and central Somalia;
- SAHAL offered by Golis Telecom Company in Puntland;
- ZAAD mobile money transfer services offered by Telesom in Somaliland;
- E-MAAL offered by Nationlink in southern Somalia.

39. Hormuud launched the first mobile money service in south and central Somalia, at the end of 2009, called ZAAD. At that time ZAAD was compliant with international standards for money transfer services, including with anti-money

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[183] Ali Ahmed Nur Jim'ale was added on the UN sanctions list in 2012 and removed in 2014. He was accused of being a financier of Al-Shabaab.

[184] Interviews with high-ranking FGS officials in Mogadishu (2 June 2016) and Nairobi (27 May 2016 and 15 July 2016).

[185] Interviews conducted by SEMG in Mogadishu and Nairobi in February, May, June, and July 2016.

[186] Interviews with Somali officials in Nairobi, June and August 2016.

laundering regulations. It was mandatory that a person opening a mobile money account would also attach a telephone number registered under the same name. Procedures also required the user to fill a registration form containing the following information: full name (four names), mother's name, date, and place of birth and residence. An ID photo and the name of a family member who could vouch for the user were also required. But ZAAD only functioned for less than one year in south and central Somalia.[187]

40. Hormuud decided to close ZAAD and immediately replaced it with EVC-PLUS, which offered similar services but was no longer compliant with international standards. EVC-PLUS is now the most popular mobile money service; most of Hormuud customers have access. Opening an account became much easier than before and could even be done remotely, with no physical presence of the user required, nor photo ID. Anyone can now easily open an account with a false identity. The service covers all of south and central Somalia, which are also the main areas of Al-Shabaab operations. The SEMG has received credible information that Al-Shabaab is paying its soldiers through EVC-PLUS.[188] The payments are made at the beginning of the Islamic month. Having access to the EVC-PLUS database would allow law enforcement agencies in Somalia to evaluate the number and location of Al-Shabaab troops, but Hormuud has not cooperated with FGS requests for information and the current legal framework apparently does not obligate the company to do so.[189] In contrast, other mobile money services in Puntland (SAHAL) and Somaliland (ZAAD) operate under different set of rules that are mostly compliant with international standards.

41. The security risks induced by EVC-PLUS are very high. The system also creates opportunities for money laundering. Clear and enforceable legislation regarding the telecommunication industry must be immediately put in place for two main reasons. First, a licensing procedure, tariff system, and a clear set of rules about taxation must be put in place. This would insure a substantial increase of FGS revenue and would help Somalia's economic development. Second, the legislation should allow law enforcement agencies to monitor voice, data, and money transfers in accordance with international standards. Currently, Hormuud is not regularly cooperating with law enforcement agencies on data and call records and the company's operations remain completely opaque with respect to transactions operated through EVC-PLUS.

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[187] It is unclear why Hormuud ended ZAAD services, but company officials claimed off the record that there had been threats by Al-Shabaab.

[188] Interviews conducted by SEMG with Al-Shabaab detainees in Mogadishu, 2 February 2016.

[189] High-ranking FGS and NISA officials have told the SEMG that Hormuud operations lack transparency and the company has been reluctant to cooperate on counter-terrorism issues.

Annex 4.6: Public land appropriation

Ministry of Civil Aviation and Transport land in Dharkenley district

42. Correspondence between Said Ali Jama Korshel, Hassan Mohamed Hussein "Mungaab", and President Hassan Sheikh Mohamud between December 2014 and February 2015 documents the reallocation of plots of land, measuring 650 metres by 600 metres, and historically administered by the Ministry of Civil Aviation and Transport in northern Dharkenley district (see below). Ostensibly the land was to be distributed to families that had previously been evicted from land, also historically held by the Ministry of Civil Aviation and Transport, in Waberi district.

43. As of February 2015, an estimated 21,000 displaced people inhabited the area. From 4 to 5 March 2015, this population was forcibly evicted with little or no notice.[190] Satellite imagery captured between 13 March 2015 and 17 August 2016 demonstrates the subsequent rapid development of this area with at least 300 permanent compounds built by 17 August 2016, ranging from 15 metres by 20 metres, to 60 metres by 40 metres (see below).

44. While land was allocated to a number of the families previously evicted from Waberi, multiple testimonies collected by the Monitoring Group indicate that at least half of the total of 912 plots, each measuring 15 x 20 metres, were requisitioned by the Benadir Regional Administration (BRA) for resale, and subsequently allocated to senior FGS officials, including Galmudug Interim Administration president, Abdikarim Hussein Guled. During the course of this mandate many of these plots have been privately resold.[191]

45. The FGS declined to respond to questions regarding the Ministry of Civil Aviation and Transport land in Dharkenley district posed in the official correspondence sent 16 August 2016, indicating that the newly established Protection of Public Properties Committee would handle such matters.[192]

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[190] See S/2015/801 annex 6.4. See also Human Rights Watch, "Somalia: Forced Evictions of Displaced People", 20 April 2015. Available from https://www.hrw.org/news/2015/04/20/somalia-forced-evictions-displaced-people-0 Eviction notice, dated 25 February 2015 and signed by "Mungaab", held on file with the Monitoring Group.

[191] Monitoring Group interviews with both former staff of the BRA, current and past FGS officials and international agency staff in Mogadishu and Nairobi between December 2015 and August 2016.

[192] Official correspondence reference: S/AC.29/2016/SEMG/OC.77.

Figure 1: Ministry of Transport and Civil Aviation land in Dharkenley district, 5 January 2015

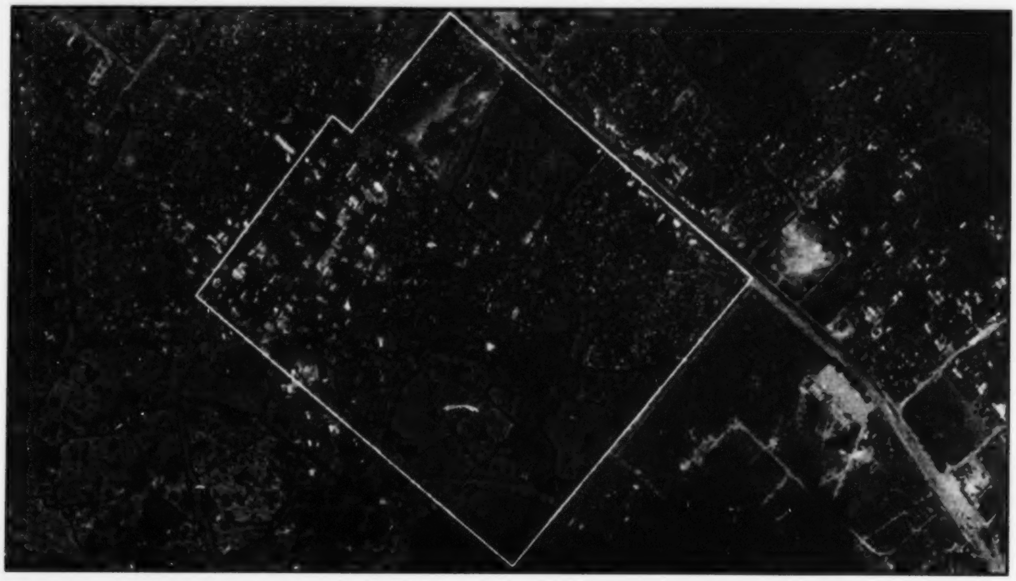


Figure 2: Ministry Transport and Civil Aviation land in Dharkenley district, 15 March 2015

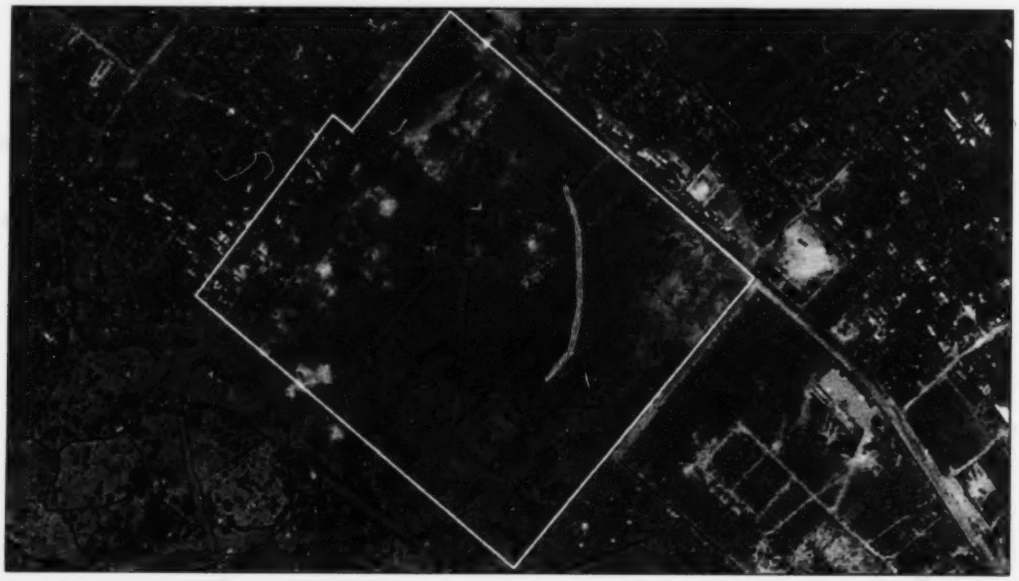


Figure 3: Ministry of Transport and Civil Aviation land in Dharkenley district, 2 July 2016

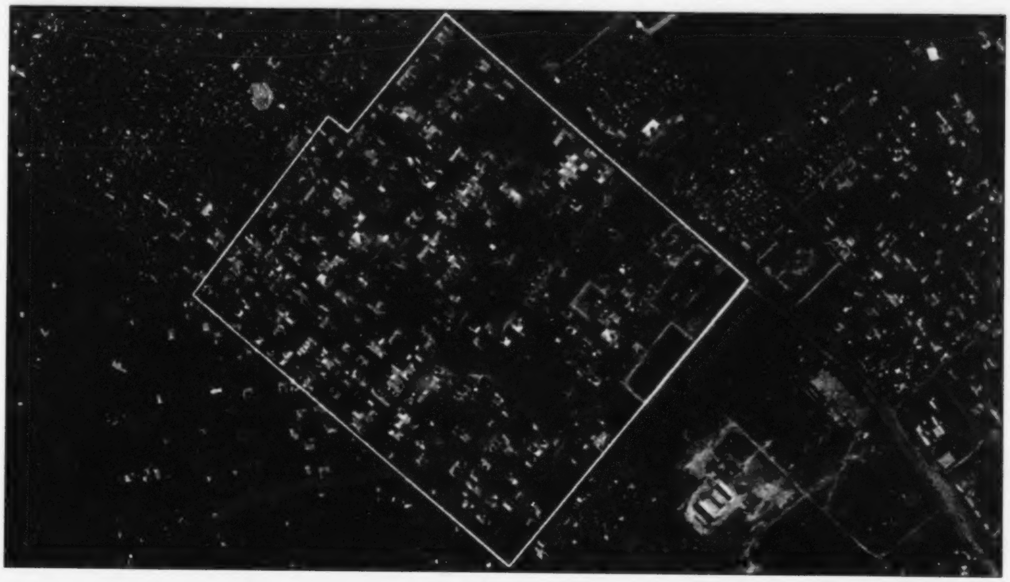


Figure 4: Location of Ministry of Transport and Civil Aviation land in Dharkenley district

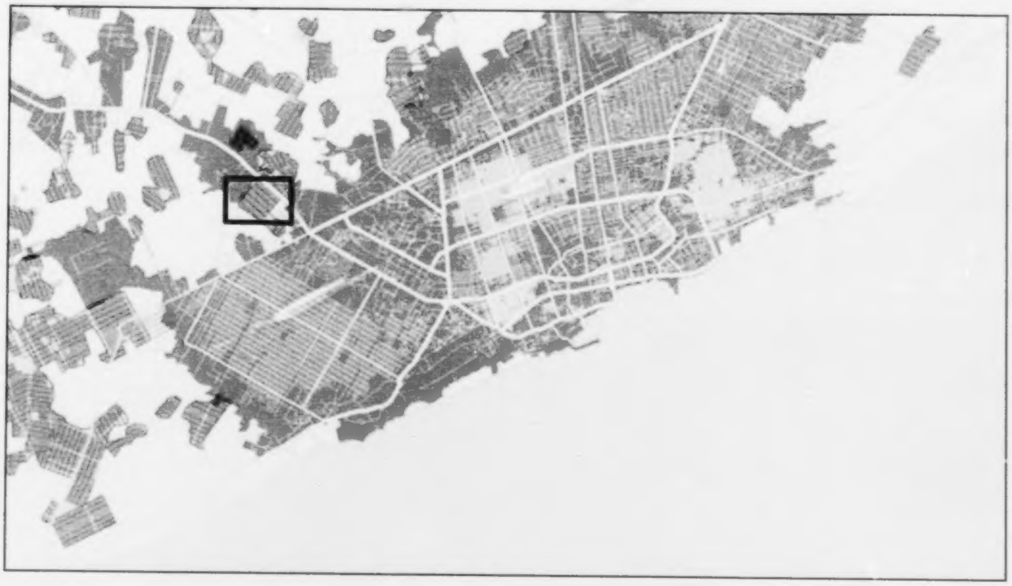
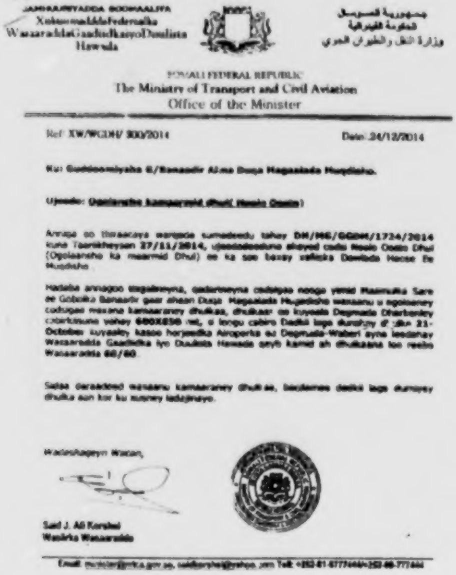


Figure 5: Min. of Transport & Civil Aviation approval



JAMHUURIYADDA SOOMAALIYA
Xukuumadda Federaalka
WasaaraddaGaadiidkaiyoDuulista
Hawada

SOMALI FEDERAL REPUBLIC
The Ministry of Transport and Civil Aviation
Office of the Minister

Ref: XW/WGDH/ 300/2014 Date: 24/12/2014

Ku: Guddoomiyaha G/Banaadir Ahna Duqa Magaalada Muqdisho.

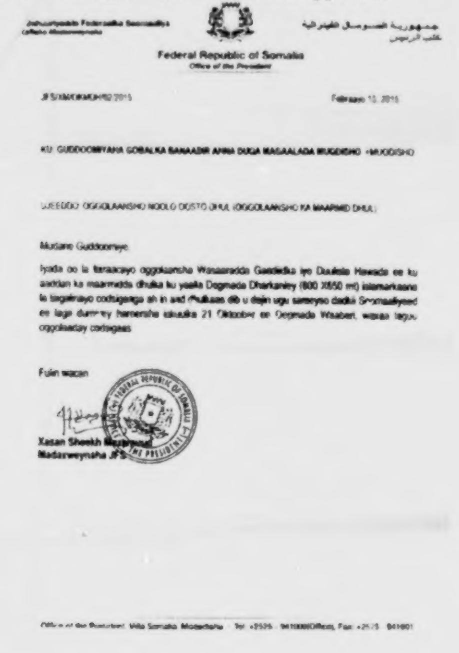
Ujeedo: Ogolaansho kamaarmid dhul(Noolo Oosto)

Annaga oo tixraacaya warqada sumadeedu tahay DH/MG/GGDM/1724/2014 kuna Taariikheysan 27/11/2014, ujeedadeeduna ahayd codsi Noolo Oosto Dhul (Ogolaansho ka maarmid Dhul) oo ka soo baxay xafiiska Dowlada Hoose ee Muqdisho.

Waxaan rajeyneynaa,

Said J. Ali Korshel
Wasiirka Wasaaradda

Figure 6: Office of the President approval



Jamhuuriyadda Federaalka Soomaaliya
Xafiiska Madaxweynaha

Federal Republic of Somalia
Office of the President

JFS/XM/XM/OH/02/2015 February 13, 2015

KU: GUDDOOMIYAHA GOBALKA BANAADIR AHNA DUQA MAGAALADA MUQDISHO - MUQDISHO

UJEEDO: OGGOLAANSHO NOOLO OOSTO DHUL (OGGOLAANSHO KA MAARMID DHUL)

Mudane Guddoomiye

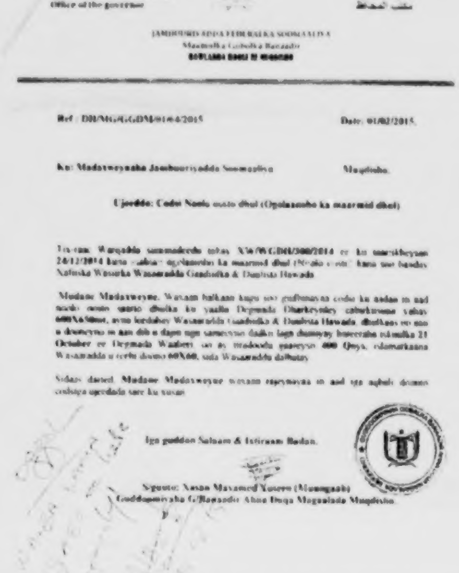
Iyada oo la tixraacayo oggolaansha Wasaaradda Gaadiidka iyo Duulista Hawada ee ku aaddan ka maarmadda dhulka ku yaalla Dagmada Dharkaniey (600 X650 mt) islamarkaana la tixgalinayo codsigaaga ah in aad dhulkaas dib u dejin ugu sameyso dadka Soomaaliyeed ee laga dumiey hantidooda 21 Oktoobar ee Degmada Waaberi, waxaa lagu oggolaaday codsigaas.

Fulin wacan

Xasan Sheekh Maxamuud
Madaxweynaha JFS

Office of the President, Villa Somalia, Mogadishu · Tel: +2525 · 941000(Office), Fax: +2525 · 941001

Figure 7: Benadir Regional Administration approval



Federal Republic of Somalia
Benadir Regional Administration
Mogadishu Local Government
Office of the governor

JAMHUURIYADDA FEDERAALKA SOOMAALIYA
Maamulka Gobolka Banaadir
DOWLADDA HOOSE EE MUQDISHO

Ref: DH/MG/GGDM/0164/2015 Date: 01/02/2015

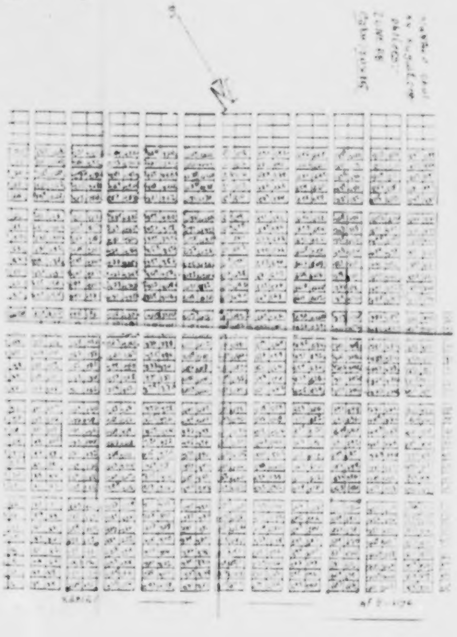
Ku: Madaxweynaha Jamhuuriyadda Soomaaliya Muqdisho.

Ujeedo: Codsi Noolo oosto dhul (Ogolaansho ka maarmid dhul)

Iga guddon Salaan & Ixtiraam Badan.

Saxiixa: Xasan Maxamed Xuseen (Munngaab)
Guddoomiyaha G/Banaadir Ahna Duqa Magaalada Muqdisho.

Figure 8: Min. of Transport & Civil Aviation area grid map



Ministry of Commerce and Industry land in Yaaqshid district

46. Correspondence between the State Minister for Commerce and Industry, Mohamed Hassan Adam, and "Mungaab" between April and June 2015 clearly demonstrates the reallocation of an area of land measuring 100 metres by 100 metres in Yaaqshid district along the Industrial (*Warshahada*) Road, also referred to as 21st October Road, being re-distributed to twelve individuals (see below).

47. These include the State Minister himself, Mohamed Hassan Adam himself, who was allocated a plot of land measuring 100 metres by 20 metres. Also included are:

- Abdirahman Ibrahim Ali, Federal MP;
- Hassan Moalim Khalif, Special Secretary to the President;
- Ismail Jimale Alasow, Permanent Secretary of the Ministry of Interior;
- Abdirahman Mohamed Tuuryare, former Director of the National Intelligence and Security Agency (NISA);
- Mohamed Roble Jimale "Gobale", former commander of the SNA 3rd Brigade.

48. Following receipt of official correspondence sent 16 August 2016,[193] the Director General of the Presidency, Ali Mohamed Omar, issued a letter to the current Governor of Benadir Region, the Attorney General, the Protection of Public Properties Committee and the Ministry of Commerce and Industry ordering that this land be returned to the Ministry of Commerce and Industry, that illegally distributed ownership documents be nullified, and that the Protection of Public Properties Committee ensure that this happens (see below).

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[193] S/AC.29/2016/SEMG/OC.77.

Figure 9: Ministry of Commerce and Industry approval

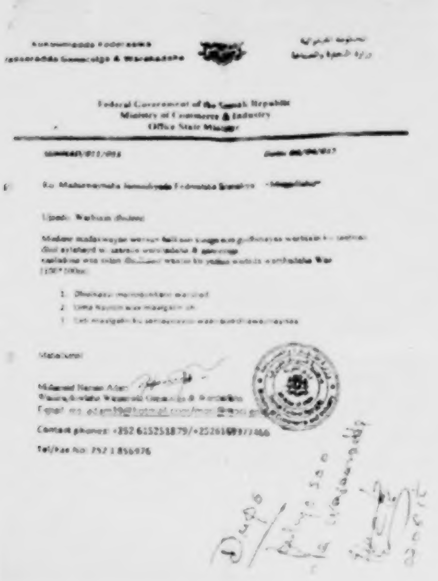


Figure 10: Director General of the Presidency order

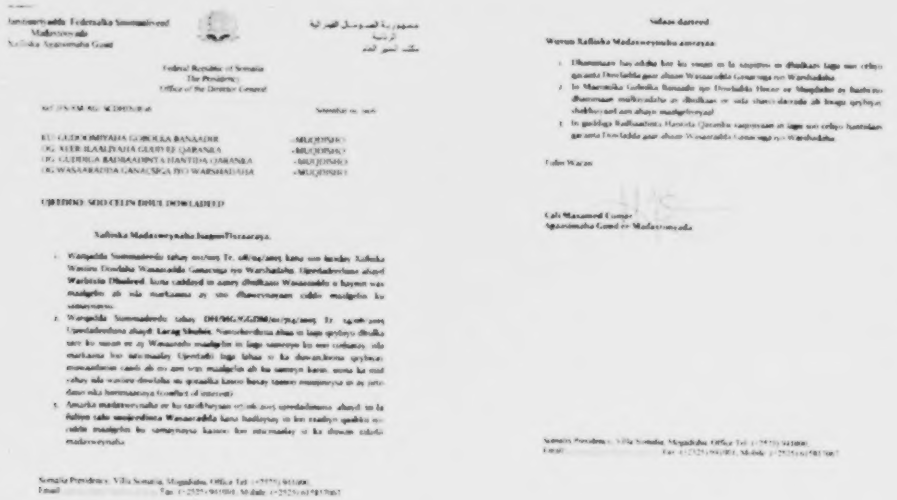
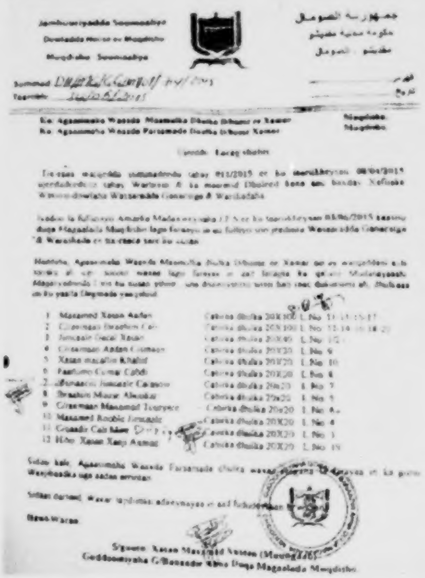


Figure 11: Benadir Regional Administration distribution list



Ministry of Transport and Civil Aviation land, and Ministry of Ports and Marine Transport land near to Adan Adde International Airport

49. Following the clearing of informal settlements in the latter half of 2013, public land adjacent to Adan Abdulle International Airport in Waberi district was privatised and allegedly distributed to senior FGS officials, relatives of senior FGS officials, and various prominent businesses (see satellite imagery below).[194] Close to the main gate of the airport, perimeter walls of at least 25 compounds—measuring from 15 metres by 20 metres up to 100 metres by 240 metres—have been constructed in an area measuring approximately 7 hectares since the land was cleared in 2013 (see below). According to multiple independent—though as of the time of writing unverified—testimonies, the compounds have been allocated to various senior government officials and/or their relatives, and to certain large companies.

50. The FGS were unable to provide answers to the questions regarding the land posed in official correspondence sent 16 August 2016 before this report was submitted, but indicated that the Protection of Public Properties Committee would look into it.[195]

51. Almost six hectares of land adjacent to the north-eastern end of the airport compound is currently leased to the Dubai-based company Simatech Shipping LLC to develop a container yard, freight station and logistics zone. A review of a previous agreement between the Mogadishu Sea Port Authority and Simatech, dating back to November 2012, by the Financial Governance Committee (FGC) criticized, inter alia, ambiguities relating to the lease agreement.[196]

52. Under the terms of a new agreement signed with the Ministry of Ports and Marine Transport on 26 June 2015 Simatech was awarded "exclusive right to finance, rehabilitate, manage, operate, maintain, develop and optimise" the container yard and freight station on land "of minimum 8.5 hectares size with possible extension at Airport Road," for a period of 25 years.[197] Under the terms of the agreement the FGS receives 20 per cent of gross revenue accrued from the Container Yard and Freight Station, and Simatech takes "exclusive possession" of it, "including all State land that this includes".[198] The Simatech International Container Terminal (SICT) was officially opened by President Hassan Sheikh on Sunday 19 June 2016, and attended by a number of senior government officials.[199]

53. The agreement was not submitted to, and as of the time of writing had not been reviewed by the Financial FGC, despite the fact that its Chair—the Minister of Finance, Mohamed Aden Ibrahim—shared a copy of the contract with the Monitoring Group in September 2016.

54. The Group's investigation into the land adjacent to Aden Adde International Airport is on-going.

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[194] Monitoring Group interviews with both former staff of the BRA, current and past FGS officials and international agency staff in Mogadishu and Nairobi between December 2015 and August 2016.

[195] Official Correspondence reference: S/AC.29/2016/SEMG/OC.77. The Monitoring Group has received anecdotal evidence suggesting that the cases discussed above are not the only instances of appropriation and privatisation of public land in Mogadishu for private sale that have occurred in recent years.

[196] The agreement was eventually nullified when another agreement was signed between the Mogadishu Port Authority and Albayrak Turizm Inşaat Ticaret A.S. The FGC assessment of the FGS' November 2012 agreement with Simatech is available from the Ministry of Finance website at http://mof.gov.so/wp-content/uploads/2016/08/FGC-Confidential-Assessment-MPCT-Simatech-R.pdf.

[197] A copy of the signed contract with Simatech was provided to the Monitoring Group by the Minister of Finance, and is held on file with the Secretariat.

[198] Ibid.

[199] See "Simatech Launches Container Yard, Freight Station & Logistics Zone in Mogadishu", *Simatech*, 6 June 2016. Available from http://www.simatech.com/news-media-centre/90-simatech-launches-container-yard,-freight-station-logistics-zone-in-mogadishu.html

Figure 11: Ministry of Transport and Civil Aviation land, and Ministry of Ports and Marine Transport land adjacent to Adan Adde International Airport, 3 June 2013

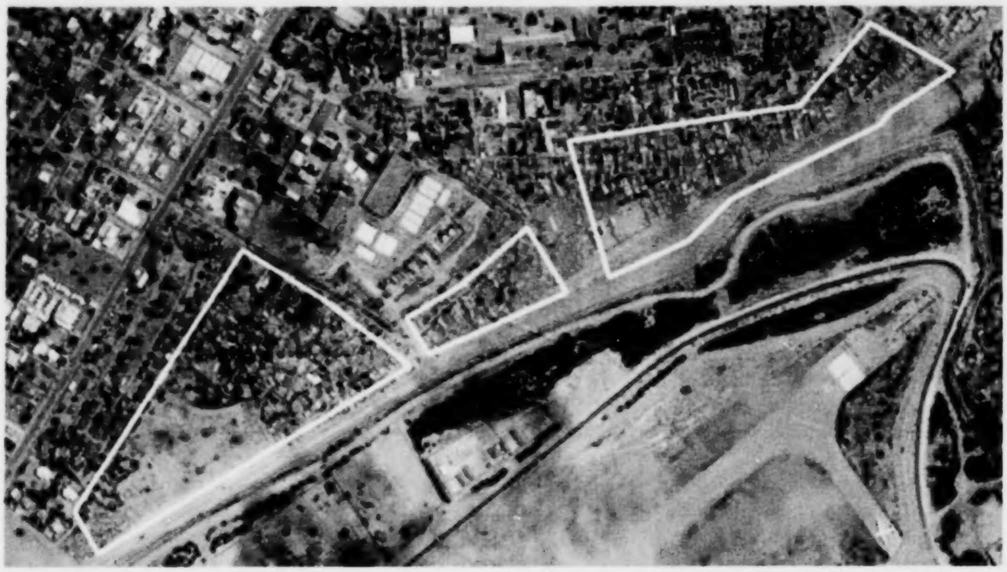


Figure 12: Ministry of Transport and Civil Aviation land adjacent to Adan Adde International Airport, 27 December 2013

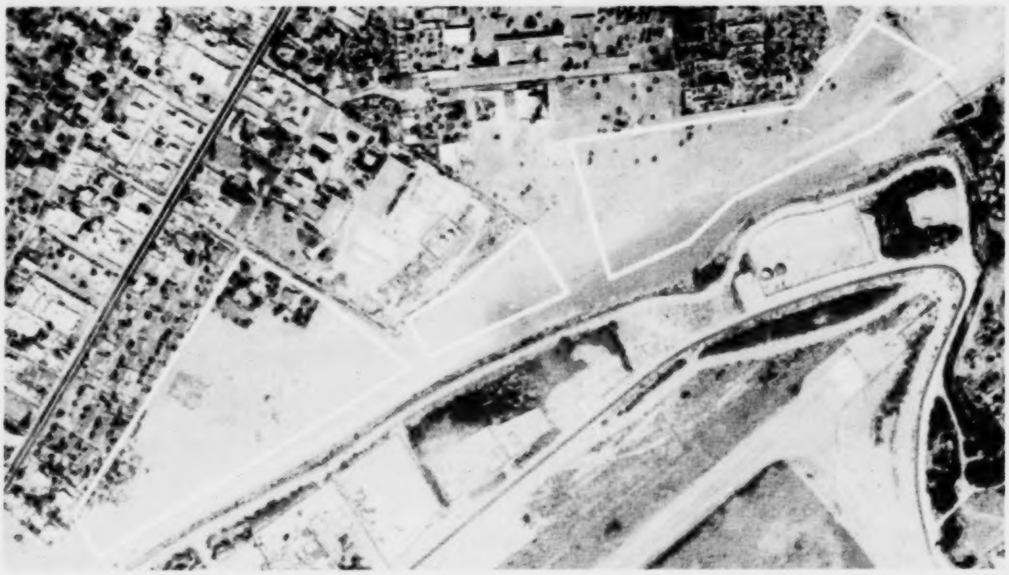


Figure 13: Ministry of Transport and Civil Aviation land, and Ministry of Ports and Marine Transport land adjacent to Adan Adde International Airport, 17 November 2015

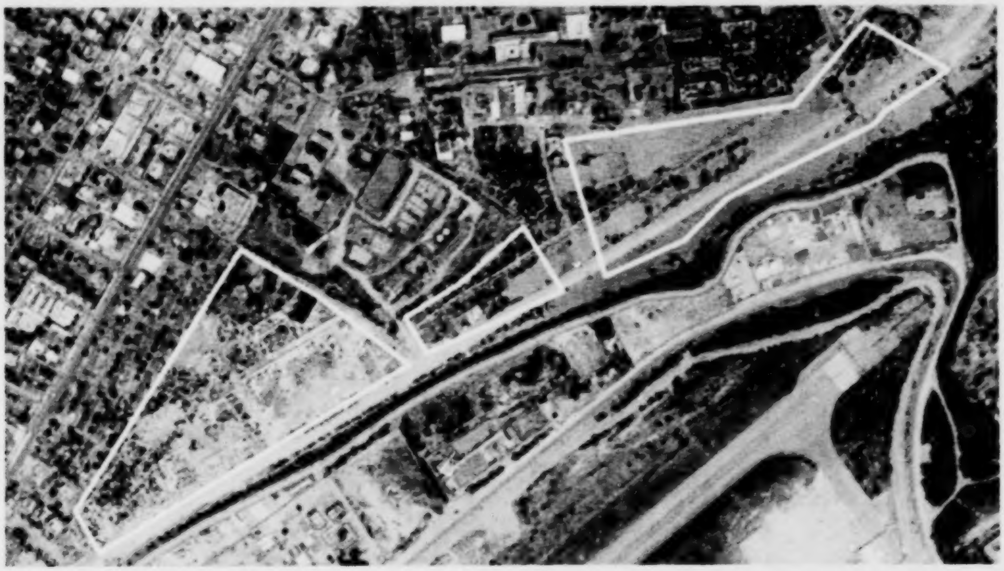
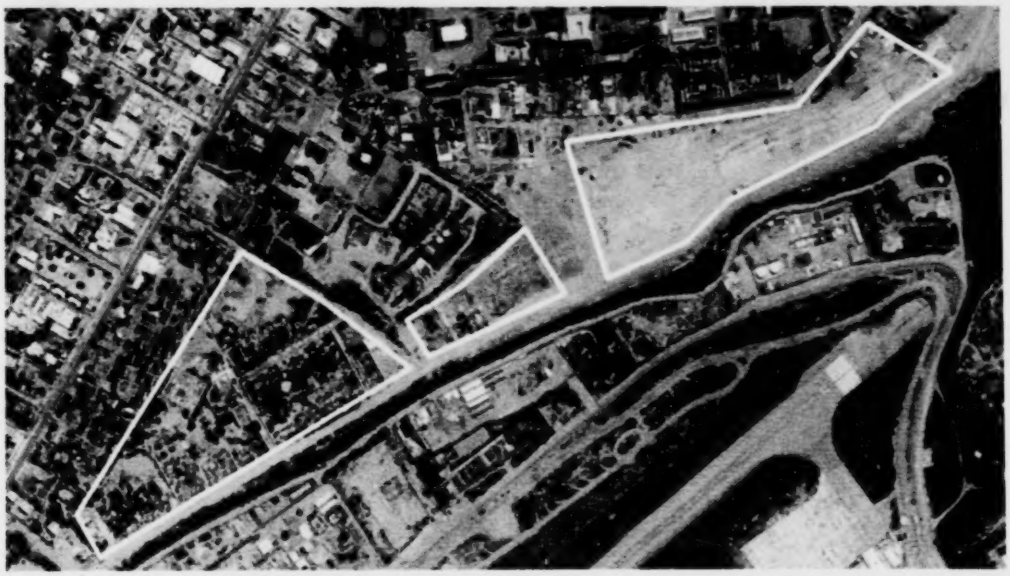


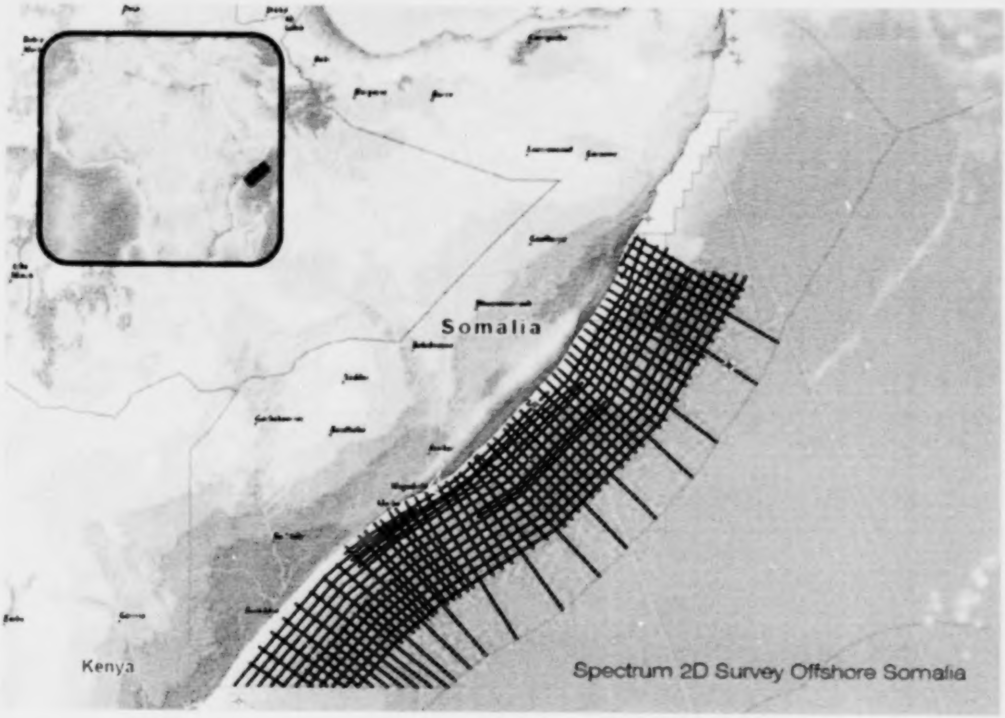
Figure 14: Ministry of Transport and Civil Aviation land, and Ministry of Ports and Marine Transport land adjacent to Adan Adde International Airport, 1 September 2016



Annex 5

Natural resources

Annex 5.1: Spectrum ASA Survey Map



Annex 6

Obstruction of humanitarian assistance

Annex 6.1: Access to humanitarian assistance

Main supply routes and unlawful taxation

1. The operation of illegal checkpoints on main supply routes (MSRs) by state and non-state armed actors intensified in scope, number and nature during the mandate, affecting movement of population and basic commodities and constituting one of the most problematic obstacles to humanitarian access. Spurred by a range of factors, from lack of payment of security forces, to the proliferation of armed groups with putative claims to official status, and weak or absent command and control, the level of extortion and violence at these checkpoints rendered some key MSRs practically impassable. In March 2016 the Mogadishu to Baidoa artery, for example, some traders judged it preferable to pass through Al-Shabaab-controlled territory—adding approximately 600 miles to the journey—as taxation was predictable and demanded only once.[200] Receipts issues by Al-Shabaab were honoured throughout its territory. The alternative was to face multiple checkpoints manned by local militia, regional forces and the Somali National Army (SNA), all of which expected their own fee.

2. In March 2016 humanitarian organisations initiated a dialogue with national and regional level officials, which resulted in assurances from the Interim South-West Administration (ISWA), Middle Shabelle regional authorities and the FGS Ministry of Interior and Federal Affairs that they would clear roads and facilitate the movement of humanitarian and other essential supplies. A major obstacle to such efforts, however, was the variety of forces and command controlling checkpoints in highly contested areas such as Lower Shabelle. Although local authorities had the formal responsibility to secure such routes they often had no *de facto* authority: on one occasion, for example, humanitarian workers were told that the best they could hope for was a case-by-case clearance for each individual convoy to be attempted.[201]

3. The SNA's inability to effectively support African Union Mission in Somalia (AMISOM) forces in the holding of 'recovered' areas was also a major challenge: this stretched AMISOM's resources and in turn undermined its capacity to clear supply routes as urged by the Council.[202] It also led to a dynamic of cyclical capture and withdrawal from 'recovered' locations by anti-Al Shabaab forces with serious implications for both the protection of civilians and the safe passage of humanitarian aid.[203]

Al-Shabaab

4. One of the most significant impediments to humanitarian access during the mandate continued to be Al-Shabaab's violent enforcement of blockades of urban areas controlled by anti-Al Shabaab forces, particularly in parts of Bay, Bakool and Hiran.[204] Al-Shabaab targeted the passage of both relief and commercial supplies, driving up prices of key commodities in affected communities.[205] As was its *modus operandi* during 2014 and 2015, goods themselves, the modes of transport, and those who transported them were all vulnerable to attack, destruction and murder. In November 2015, for example, 11 donkey carts and their loaders were attacked in Alemow village on their way from Buur Dhuhunle to Wajid

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[200] By August 2016, costs for a convoy on the Mogadishu-Baidoa-Dolow route were stilling running at USD 4,000 to 5,000. Interviews with civil society and government officials in Baidoa, 2 to 3 March 2016; For more information, see also Transparency Solutions, "Beyond Isbaaro: Reclaiming Somalia's Haunted Roads", Nairobi, 2016.

[201] There was clearly no facility for a general directive to be issued and adhered to. Interview with humanitarian worker, Mogadishu, 19 June 2016. Interview regional administration official, Baidoa, 3 March 2016.

[202] Skype interview with UN staff member, 28 July 2106. In resolution 2297 (2016), the Council charged AMISOM, *inter alia*, with contributing "within its capabilities as may be requested, to the creation of the necessary security conditions for the provision of humanitarian assistance" (paragraph 7 (b)). Within this it is specifically mandated to secure key supply routes, in particular those essential to improving the humanitarian situation (paragraph 6 (d)). The Council has also asked the Secretary-General to report, in consultation with the FGS and AMISOM, on progress in this latter (paragraph 8).

[203] See discussion of SNA withdrawals at section II B of this report.

[204] In Baidoa in March, for example, security officials told the Monitoring Group that the regional capital continued to be completely "disconnected" from the 'recovered' towns of Wajid, Dinsor, Hudur and Berdale. Interviews with regional government officials, 2 March 2016.

[205] S/2015/801, annex 5.1. In March officials in Baidoa told the Monitoring Group, for example, that the price of sugar had been pushed up to USD 4 in Dinsor.

in Bakool region: the donkeys were slaughtered, the carts and goods destroyed and the loaders tortured but released.[206] In late June 2016 three civilians were killed in their homes in El Lehili outside Hudur, also in Bakool region, reportedly connected with their engagement in delivering livestock and related goods to Hudur.[207] In July 2016 in Lower Shabelle, Al-Shabaab publically destroyed food aid originating from Turkey, further to threatening businessmen in the area not to deal in Turkish goods.[208] Local level negotiation with Al-Shabaab in areas such as Hudur (Bakool) did have some success in facilitating intermittent access. Nevertheless, by the end of August 2016, humanitarian organisations were still only able to approach Buloburde (Hiran), Dinsor (Bay), Garbaharey (Gedo) and Wajid (Bakool) by air.

5. The cyclical engagement and withdrawal of AMISOM and the SNA from towns and villages in Lower Shabelle, Hiran, and Gedo regions created great uncertainty for civilians and, as a result, humanitarian actors. Access to humanitarian aid was perceived within a political calculus, granted or denied depending on the interest served. In October for example when Al-Shabaab took over Kurbeyso and Meeri, south-east of El Wak town in Gedo region, they reportedly declared a ban on humanitarian agencies. The SEMG notes, in contrast, that Federal and regional authorities rarely questioned the movement of humanitarian aid into Al-Shabaab areas.

6. In areas where Al-Shabaab was the prevailing authority, humanitarian organisations continued to be faced with demands for fees and taxes, generally through a local humanitarian focal point.[209] Although there were indications in mid-2015 that Al-Shabaab was attempting to centralise its regulation of humanitarian operations, this trend did not continue during the course of the mandate; organisations still generally negotiated access through local nodes of power.[210] Some humanitarian workers nevertheless told the SEMG that Al-Shabaab demonstrated greater "hostility" in its interactions with humanitarian workers during the mandate, whether due to the intensity of the violence associated with both sides of the Al-Shabaab conflict, internal tensions within Al-Shabaab itself, or the greater pressure on Al-Shabaab to raise finance for its operations.[211]

7. In early August 2016, Al-Shabaab released photographs of the establishment of an Islamic police (*Hisba*) in Jilib in Middle Juba.[212] Declaring it would operate as a non-armed force to promote virtue and prevent vice, Al-Shabaab also noted that the Hisba would have a role in protecting "the quality of food and medicine and clothing in the market and all products in the markets". The SEMG has not yet been able to assess the extent to which this development has impacted local humanitarian operations in Middle Juba. Meanwhile, on 4 September 2016, the SEMG received a report that a new cadre of young men between 16 and 18 years of age had been trained as tax collectors and had begun operating between Jilib and Jamame, distinguished in their role by a special uniform.[213]

The humanitarian 'carve out'

8. In resolution 2244 (2015) the Council extended the humanitarian 'carve out' until 15 November 2016, determining that the payment of funds necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the UN or specified partners would not be subject to the assets freeze imposed on designated entities.[214] Against the

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[206] Email from non-governmental organisation (NGO) staff member, 22 November 2015.

[207] Email from UN staff member, 26 June 2016.

[208] Email from UN staff member, 17 July 2016. See also www.dhacdonews.com.

[209] Interview with NGO staff member, Nairobi, 4 August 2016.

[210] S/2015/801, annex 5.3.

[211] Interview with UN staff member, Mogadishu, 19 June 2016. For more on Al-Shabaab financing see annex 1.8.

[212] See, Caleb Weiss, Shabaab promotes 'newly established' Islamic police, The Long War Journal, 9 August 2016 available at http://www.longwarjournal.org/archives/2016/08/shabaab-promotes-newly-established-islamic-police.php. In October 2015 sources told the Monitoring Group that ISIS-affiliated fighters had a strong influence in the town. Interview with local elder in exile, Nairobi, 27 October 2016.

[213] Email from a representative of the community in the area in exile in Kenya, 4 September 2016.

[214] The entities to which the carve out applies are, "the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally or multilaterally funded NGOs participating in the United Nations Humanitarian Response Plan for Somalia". See paragraph 23 of resolution 2244 and paragraph 3 of resolution 1844 (2008).

background of the widespread influence or control exerted by Al-Shabaab—a designated entity—over large parts of the territory, the maintenance of the 'carve out' contributes to enabling the delivery of assistance to people in need wherever they are found in Somalia.[215] Not only does the 'carve out' create an atmosphere which reassures humanitarian actors as well as prospective private and public partners: it encourages the UN country team to develop and implement more rigorous due diligence mechanisms in order to protect its renewal. More broadly the 'carve out' can be considered as an element of the toolbox which facilitates humanitarian operations in zones of ambiguity, especially where rapid and reversible shifts of authority leave territorial control in flux and civilians caught in the middle. In 2016, more than 600 millions worth of humanitarian assistance was delivered to Somalia, including areas either wholly or partially controlled by Al-Shaabab, against the background of 4.7 million people in need of assistance in Somalia.[216]

Bureaucratic impediments amounting to obstruction

9. In late July 2016 the UN Office for the Coordination of Humanitarian Affairs confirmed that administrative impediments to humanitarian operations were on the rise and continued to cause delays and interruptions in aid programming.[217] Most challenges occurred at the regional or district level. Even as the process to create a national framework governing humanitarian activities coalesced at the Federal level, authorities in ISWA and the Interim Jubba Administration (IJA) all continued to develop NGO bills or policies, and attempted to raise revenue from humanitarian operations.[218] In January 2016 the FGS circulated a draft NGO policy for discussion with line ministries. Since then progress of the Bill has stalled.[219]

10. In the absence of a clear federal framework, uncoordinated regional approaches to regulation continued to complicate and raise the costs of humanitarian action, facilitating manipulation and obstruction of inputs and programs and the imposition of arbitrary taxation. These undermined the independence of humanitarian action, constrained access to beneficiaries in need, and frequently amounted to unlawful extraction of revenues. The safety and security of humanitarian workers were also affected. During the mandate there was a range of purportedly 'official' impediments with which the humanitarian community grappled, and which amounted to obstruction, from control of project oversight committees to refusal to authorise project activities in the absence of a 'cut' for senior officials, to imposition of 'registration' fees.[220] Examples include:

- Puntland State of Somalia: In early January 2016, a directive from the Puntland Minister of the Interior, Local Government and Rural Development, Ahmed Elmi Osman 'Karash' purported to require aid organisations to install "Rubaab vehicle tracking devices" on their vehicles from a list of three "authorised" companies with the ostensible aim of strengthening measures against diversion.[221] Imposition of the measure would have entailed considerable additional risks to humanitarian operations at a time when the overall security environment in Puntland was increasingly fragile. Later, on 27 January 2016, a circular from the FGS Ministry of Planning and International Cooperation (MoPIC) urged humanitarian agencies to ignore all general directives which were not issued by MoPIC. Although the matter was partly resolved[222], the incident serves to highlight the extent to which the humanitarian sector is vulnerable to uncoordinated efforts by regional authorities to control humanitarian action in a way which can also undermine not just the independence, but also the safety, of operations.

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[215] The space created by the 'carve out' is tempered by other internationally and bilaterally imposed sanctions regimes.

[216] OCHA Somalia, Humanitarian Bulletin August 2016, 1 September 2016.

[217] OCHA Somalia, Humanitarian Bulletin, 28 July. Multiple sources of the Monitoring Group confirmed this assessment.

[218] Most local NGOs were compelled to pay some form of access fee to regional and district authorities. INGOs were better able to defy such requests—although not always.

[219] Federal registration of NGOs is currently conducted by the Ministry for Interior and Federal Affairs

[220] Interviews conducted with UN, INGO and NGO staff throughout the mandate. See also annex 7.8 on the situation in Dolow.

[221] Letter from Minister of the Interior, Local Government and Rural Development to "United Nations and International NGOs Agencies in Puntland," undated, on file with the Monitoring Group.

[222] There were sporadic instances where humanitarian missions were halted for reasons related to the absence of a tracking device since the MoPiC circular was issued. Email from humanitarian worker, 9 September 2016.

- Interim Galmudug Administration (IGA): On 25 April 2016 the IGA Ministry of Health demanded a 3.5 per cent project tax from its partners, ostensibly to facilitate monitoring.[223] The international humanitarian community was able to push back on the request, but local NGOs were forced to pay.

- ISWA: In late April 2015 a draft NGO bill was promulgated, based on the Somaliland framework.[224] Despite efforts to encourage coordination with a Federal legislative process underway on 21 July the bill was approved by cabinet and transferred for consideration to parliament. In the meantime, it is understood that local NGOs are being compelled to pay state registration fees in addition to being put under pressure to contribute sums of USD 5000 to USD 7000 per project.[225]

- 'Khatumo State' administration: Against the background of rising armed violence in Sool and Sanaag, and efforts by multiple administrations to exercise control over the same territory, the Khatumo administration in Buhodle purported to ban the operation of one international NGO and one UN agency in May on the grounds that they were contributing to insecurity. It subsequently transpired that the underlying reason for the obstruction related to the perception that the Puntland administration was bringing its influence to bear on beneficiary lists.[226]

11. Some local authorities responded positively to advocacy by the humanitarian community around inappropriate constraints: In April 2016, for example, Puntland authorities agreed that it would grant tax exemptions for certain elements of the drought response.[227] In Benadir the humanitarian community was eventually able to clarify that demands from the Mayor of Mogadishu for contributions to a road construction project ($5,000 to $10,000) were to be considered as voluntary with no consequences for non-payment.[228]

12. The SEMG urges that the FGS, in close collaboration with regional authorities, expedite the process to agree and implement a national level framework to govern independent, impartial and non-discriminatory humanitarian action by non-governmental organisations in Somalia, including to ensure, *inter alia*, a consistency of approach between Federal and regional authorities and one step registration process.

13. Further, against the background of a complex, evolving—and often violently contested—federal and regional architecture, a number of aid organisations have suggested that donors can pay a more positive role in helping to resolve situations in which humanitarian workers face official obstruction in the course of project implementation. This would assist humanitarian organisations to maintain their independence from political conflicts, particularly those around legitimacy of authority, and especially where donors are engaged in large-scale development support for the administration in question.

Interference by security agencies in humanitarian operations

14. As noted in the Group's 2015 report, and exacerbated by the fragmented and increasingly contested political and security context, the range of armed and political actors purporting to appropriately exercise control over humanitarian operations, broadened and added to the uncertainly faced by humanitarian workers.[229] One of most alarming developments

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[223] Interview NGO staff member, Nairobi, 4 August 2016.
[224] Interviews with with NGO and UN staff members, Nairobi, 4 August 2016.
[225] 500USD was the requirement for most organisations. Interview NGO staff member, Baidoa, 3 March 2016.
[226] Email from NGO staff member, 26 May 2016; email from local leader with knowledge of the incident, 7 June 2016; interview with humanitarian worker 31 August 2016; Letter from Khatumo State of Somalia (Buholdle Local Government) to UN agency, 31 May 2016, on file with the Monitoring Group.
[227] See Letter from the Office of the Vice President, 11 April 2016 on file with the Monitoring Group.
[228] Email from humanitarian worker, 13 April 2016.
[229] S/2015/801, annex 5.2.

was the effort by the security/intelligence services in Mogadishu and the IJA to control elements of humanitarian operations. This has potential not only to obstruct access, but also to significantly undermine the independence—and safety—of humanitarian operations.

15. In Kismayo, for example, in June 2016 the IJA administration established an Office of Monitoring Humanitarian Agencies (OMHA) within the Jubbaland Intelligence and Security Service. The new office quickly advised organisations that they were to keep it informed of trainings, meetings, recruitments and contracting companies and that there would be penalties for non-compliance.[230] In July 2016 the Office wrote to agencies declaring that an "approval letter" from the services would be required for company contracts.[231] Any agency which did not comply would, "face the consequence of the repercussion".[232] In the light of the frequent interference by IJA militia in humanitarian operations, including through use of force, this was an ominous warning.[233]

16. In Mogadishu in late 2015, NISA called for a meeting with all aid organisations where they were told that NISA had set up an NGO office to "support" the sector. Later NISA officers were deployed to accompany Ministry of Labour officers to NGO offices as part of the Ministry's efforts to collect staff lists. Ultimately the situation cooled with the issue of a letter from the Office of the Prime Minister in October 2015 clarifying that until a federal NGO policy was adopted, ministries were to refrain from attempting to implement and enforce bi-lateral regulations.[234] At the end of July 2016, however, a new letter was circulated by NISA to all international organisations demanding that "all relevant detail regarding the staffs of your Agency/organization and any further details such as premises of operations for your agency in Mog and/or in the country" be submitted to the agency.[235] Accompanied by ongoing intrusion of NISA humanitarian activities around staff registration, visits to humanitarian premises and attendance at humanitarian meetings, these developments caused great disquiet in the humanitarian community.

Cross border movement and access

17. Although most incidents in which cross-border movement was denied to humanitarian personnel or goods on security grounds were ultimately resolved, increased tension surrounding Al-Shabaab's infiltration into the North Eastern Province of Kenya, and the attack on the KDF base in El Adde made negotiating access difficult. In early February 2016, for example, the Kenyan authorities publicly announced that they had impounded three trucks contracted to the World Food Program and bound for Dolow on suspicion of support to Al-Shabaab.[236] The goods were eventually allowed to move with the intervention and personal accompaniment of the cargo by senior members of the local administration on the Somali side, and strenuous efforts by the UN agency.[237] The incident served, however, to demonstrate the fragility of the context and the level of suspicion which existed on the Kenyan side of collusion between the local community and anti-Al-Shabaab forces.

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[230] Email from humanitarian worker, 13 September 2016.

[231] Notice to "all humanitarian and development agencies/companies interesting in Jubaland State" from the "Head of Monitoring Organisations in Jubaland State, of the Jubbaland Intelligence and Security Services", 12 July 2016, on file with the Monitoring Group.

[232] Ibid.

[233] See discussion on attacks on humanitarian workers in Kismayo in annex 6.3.

[234] Phone interview with humanitarian worker, 25 August 2016.

[235] The letter was signed by NISA Director of International Agencies and Diaspora. Letter from NISA Director of International Agencies and Diaspora to all international agencies/organisations, 27 July 2016, on file with the Monitoring Group.

[236] See, for example, The Nation, "Kenya seizes Somalia bound WFP trucks", 2 February 2016. Available from http://www.nation.co.ke/counties/Kenya-seizes-Somalia- bound-WFP-trucks/-/1107872/3059050/-/2ieskd/-/index.html.

[237] Interviews with UN staff member, 7 March 2016 and 30 August 2016.

Annex 6.2: Attacks on humanitarian workers

Al-Shabaab

18. Al-Shabaab attacked medical staff, medical facilities and related humanitarian assets throughout the mandate.[238] On 29 December 2015, a driver and a medical officer from Dhusamareb hospital travelling in an ambulance rented by a humanitarian organisation were kidnapped by Al-Shabaab at Labi-Dule.[239] They were released on 9 January 2016 although the ambulance was retained.[240] On 30 March 2016, two Turkish, and three Somali, doctors at the Deva hospital in Mogadishu were killed alongside one other colleague when their vehicle was attacked.[241] In late June 2016, another ambulance was stolen from Belet Hawo hospital in Gedo region, allegedly because it had been used previously to assist wounded SNA personnel, a practice Al-Shabaab had reportedly warned against.[242] Mortars attributed to Al-Shabaab hit the Baidoa hospital on 6 August 2016 killing one civilian and injuring five.[243] In another case a medical doctor working for an international entity was arrested by Al-Shabaab for 28 days and forced to cease his employment.[244]

19. Incidents in which Al-Shabaab abducted humanitarian workers during the reporting period were all safely—and swiftly—brought to an end through local intervention.[245] On 27 December 2015 three staff members of a Bardera-based local humanitarian organisation, and their driver, were kidnapped by Al-Shabaab for a number of hours in the course of their work during a vaccination campaign in Tubako.[246] In May and June 2016, warnings were received by the SEMG relating to the preparation of a kidnapping operation against humanitarian and international staff present in Galkayo or Garowe allegedly by pirate networks, highlighting the range of threats to which humanitarians were vulnerable.[247] More broadly as many as 48 people (46 civilians and two soldiers) continue to suffer in captivity in Somalia, held by pirates or unknown actors, two since 2008, with no proof of life.[248]

20. UN installations housing humanitarian workers were particularly a target. Not only were there at least nine attacks during the year which affected UN compounds, there were numerous instances of suspected surveillance of UN

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[238] The Council in resolution 2286 (2016) determined that, "that acts of violence, attacks and threats against medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities, and obstructing the delivery of humanitarian assistance, including medical assistance, may exacerbate ongoing armed conflicts and undermine the efforts of the Security Council to maintain international peace and security under the Charter of the United Nations" (preamble).

[239] Email from UN staff member, 29 December 2015.

[240] Email from UN staff member, 9 January 2016.

[241] Shabelle News, "Somali PM slams murder of Turkish Doctors", 31 March 2016. Available at http://www.shabellenews.com/2016/03/pm-condemns-murder-of-turkish-nationals-in-mogadishu/.

[242] Email from UN staff member, 28 June 2016.

[243] Email from UN staff member, 6 August 2016.

[244] Interview with local elder from the area of the abduction (unspecified for safety reasons) who conducted interview with the freed doctor, Nairobi, 27 October 2016.

[245] During the first four months of 2016 there were only four brief abductions of humanitarian workers by Al-Shabaab. One abduction out of Kenya and into Somalia was, however, the subject of armed intervention: on 16 October 2015, KDF and SNA soldiers conducted a joint operation to rescue a teacher Judy Mutua, who had been abducted by Al-Shabaab from the Hagadera refugee camp in northern Kenya and taken to Somaila. See, Daily Nation, "Kidnapped Kenyan teacher rescued from Somalia in joint operation", 16 October 2015. Available from http://www.nation.co.ke/news/Kidnapped-Kenyan-teacher-rescued-in-Somalia-in-joint-operation/1056-2916526-10s0r44/index.html.

[246] See Hiiran News, "Gunmen abduct health workers in Central Somalia", 31 December 2015. Available at http://hiiraan.com/news4/2015/Dec/103364/gunmen_seize_health_workers_in_central_somalia.aspx.

[247] Information received by the SEMG from source in Galkayo with in depth knowledge of the security situation; email from UN staff member, 28 June 2016.

[248] Email from UN staff member from the Hostage Support Partnership, 4 September 2016. The Hostage Support Partnership (supported by the Contact Group on Piracy off the Coast of Somalia (CGPCS) Trust Fund and the UN Office of Drugs and Crime, and coordinated by Oceans Beyond Piracy) seeks to track, provide medical support, recover and repatriate hostages held in Somalia. In addition, AMISOM force have also been abducted by Al-Shabaab

facilities.[249] National staff of UN and international humanitarian and development agencies were particularly subject to phone threats and harassment.[250] In many cases victims receiving phone calls or text messages were unsure of the real origin of the threat. On 14 December a UN High Commissioner for Refugees (UNHCR) national staff member was shot and killed alongside a staff member from a UNHCR partner NGO while travelling in a car in Mogadishu.[251]

21. The increase in the intensity of Al-Shabaab armed violence against civilians more generally during the mandate also affected humanitarians.[252] Abdinor Osman Wehelie, the Executive Director of Organisation for Somalis Protection and Development (OSPAD) was killed on 1 June 2016 in the course of an attack attributed to Al-Shabaab on the Ambassador Hotel in Mogadishu.[253] A UNHCR staff member, also lost his life in the attack on the Mogadishu International Airport on 26 July 2106, the third killing of a UNHCR staff member in eight months.[254] In the same attack, 11 UN security personnel (contractors) were killed and 12 injured.

FGS, regional and other entities

22. Federal and regional authorities were also the origin of threats and attacks on humanitarian workers during the mandate. The SEMG documented and verified two cases of unlawful arrest and detention of staff working on humanitarian issues by security forces of IJA in Kismayo during the mandate.[255] The findings of the SEMG with respect to the misuse of authority by the administration in Dolow, including conduct amounting to attacks on humanitarian workers, are set out in annex 7.8. Humanitarian workers suspected of engagement with the SEMG were also threatened.[256]

23. Violence meted out to humanitarian workers by local militia as a result of contracting disputes around the business elements of managing humanitarian aid were also noted.[257] One security expert told the SEMG that risks relating to operations, human resources and day-to-day contracting and management, harboured the most frequent threats to NGOs.[258]

24. The SEMG also received information on incidents of disorder and violence during aid distributions which threatened the safety of humanitarian workers and halted operations across Somalia, including, on average, three incidents a month in the northern part of Somalia during 2016.[259] The situation in Awdal in Somaliland was particularly fragile as the impact of the drought and flooding, coupled with a history of perceived exclusion from resources controlled by the central authority, rendered communities volatile. The SEMG received information on four incidents of looting during food distributions by people upset at being absent from the beneficiary list.[260]

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[249] On 7 December 2015, for example, Puntland Intelligence officers arrested a suspected Al-Shabaab operative near the UN compound in Garowe. Email UN staff member, 8 December 2016. Stand off attacks: Mogadishu, AMISOM protected areas: 4 attacks (1 January, 11 February, 3 May and 4 June 2016), Baidoa airstrip near UN compounds: 3 attacks (21 February, 2 July and 6 August 2016), Kismayo airport: 2 attacks (14 and 27 February 2016).

[250] The SEMG received information on a number of incidents involving receipt of telephoned threats by NGO, INGO and UN agency staff, including in Baidoa, Galkayo (North), Kismayo, and Mogadishu.

[251] See UNHCR, Statement on the murder of a staff member in Mogadishu, Somalia, 14 December 2015, available at http://www.unhcr.org/news/press/2015/12/566fcde56/unhcr-statement-murder-staff-member-mogadishu-somalia.html

[252] For a discussion on the increasing intensity of Al-Shabaab violence against civilians see annex 7.1.

[253] Email from UN staff member, 2 June 2016.

[254] Email from UN staff member, 2 August 2016.

[255] Phone interviews with victim, 10 May 2016, phone interview with victim, 31 August 2016. Details on file with the Monitoring Group: for reasons of safety details of the cases are not provided here.

[256] Email from former government minister in the Interim Jubba Administration (IJA), 20 August 2016. Details of the incident have been kept confidential to protect the NGOs involved.

[257] In one incident in Hiran in late June 2016, for example, an INGO team was attacked but left unharmed by a local militia in a dispute over car hire. Email from UN staff member, 27 June 2016.

[258] Interview with NGO security expert, Nairobi, 30 August 2016.

[259] Email from humanitarian worker, 6 September 2016.

[260] Emails from NGO staff members, 13 November 2015, 25 November 2015, and 6 August 2016.

Measures to enhance compliance

25. During the mandate the effectiveness and independence of two critical modalities intended to enhance safety and security for humanitarian actors came under threat; the International NGO Safety Organisation (INSO) and the Special Protection Units in Somaliland and Puntland.

26. In mid May 2016, the Executive Director of the Kenyan NGO Co-ordination Board ordered the suspension of operations of the International NGO Safety Organisation (INSO), the entity providing safety information and advice to humanitarian NGOs in Kenya and Somalia.[261] Subsequently, INSO bank accounts were frozen and some international staff work permits were not renewed or delayed with no rationale given. Eventually, an injunction and related administrative remedies obtained from the High Court—suspending the initial order of the NGO Co-ordination Board—allowed the organization to resume operations in mid July. The obstruction of the work of INSO, including in particular the suspension of the daily Somalia update service for 55 days, affected access to vital security and safety information for humanitarian operations.

27. The Special Protection Units (SPU) in Somaliland and Puntland provide essential security to UN and non-governmental organisation (NGO) staff and operations, acting as enablers, *inter alia*, of humanitarian access and preventing attacks on humanitarian workers. During the mandate there were negotiations between the UN and Somaliland and Puntland authorities around changes in the management of, and international financial support for, the operation of the SPU.[262] Intended to enhance the efficiency and oversight of payments, the negotiation period saw frequent harassment and threats against humanitarian workers by SPU and periodic withdrawal of SPU support as the authorities attempted to secure the most beneficial deal.[263] This created additional vulnerabilities for humanitarian operations, in particular for INGOs which found themselves on the margins of the discussions.

28. An Memorandum of Understanding signed in May 2016 finally clarified procedures and payments but left support for INGO missions beyond the main cities outside the framework.[264] Not only did this necessitate a significant cost increase for INGOs but it also rendered INGO operations vulnerable to shut down in the event that a temporary emergency escort arrangement negotiated with UN agencies was not extended or replaced.[265] Finally, the SEMG notes that NGOs and INGOs in particular lack a mechanism to engage the SPU in compliance with the requirements of the arms embargo.[266]

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[261] Information on the situation of INSO was gathered from interviews with various NGO and diplomatic sources between June and August 2016.

[262] The charges were partially spurred by the identification of fraud and misappropriation of funds within the scheme. Interviews with NGO and UN staff members, September 2015 to August 2016.

[263] On 10 December 2105, for example, SPU forced the abandonment of a planned mission warning that missions outside Garowe would not be supported if payment was not forthcoming. Email from UN staff member, 11 December 2016. Protests around delayed payments were still occurring in June 2016, including through suspension of operations. Email from UN staff member, 19 June 2016.

[264] Memorandum of Understanding on file with the Monitoring Group.

[265] The new scheme increases the payments to SPU officers but also entails additional administration and management costs. NGOs in particular will need enhanced support from Member States to meet these *de facto* mandatory expenses.

[266] See discussion at annex 8.3.

Annex 6.3 — Diversion and misappropriation of humanitarian aid

29. Despite progressive recognition by the humanitarian community of the reality and scope of the phenomenon of diversion in Somalia, and enhanced efforts to address it, tackling misappropriation of aid remained a complex challenge. The system as a whole continues to be suspended on a framework in which sharing of resources or '*shahad*' was accepted is intrinsic to operations. During the mandate, humanitarian workers, however well-intentioned, were forced to grapple with, and were often captured by, systematic practices which have become 'normal' in the Somali context, both within and outside of Somalia.

30. This expectation of '*shahad*' is enfolded throughout all phases of the distribution cycle, from donors and UN agencies to contractors to NGOs—local and international—and those who control beneficiary communities. Nevertheless, it has been the Somali space with which UN risk monitoring and management has been almost exclusively preoccupied during the last few years. SEMG analysis over the course of this mandate therefore has attempted to highlight some of the transnational elements of the system—the challenges which lie outside Somalia, in Nairobi and in donor headquarters. As a research team working on corruption risks in Somalia emphasized, governance failures are not only related to governance issues in Somalia itself but are a function of relationships between individuals and networks linking Somalia with Kenya and national with international actors.[267]

UN and donor 'Gatekeepers'

31. During the mandate the Monitoring Group received serious and credible allegations of the involvement of staff of UN agencies in diversion of humanitarian assistance through solicitation of bribes The SEMG collected testimony of allegations of a promise to pay, and subsequently, the delivery of "fees" to, an intermediary staff member of a UN agency intended to facilitate processing of a contract or project proposal.[268] The details of this case were shared with the UN agency concerned. The involvement of a senior UN official in similar conduct in the Somalia humanitarian system is also under investigation by another UN agency: in previous mandates the SEMG received information from different sources that the same individual regularly sought and obtained money to ensure stewarding of a project through the cluster system, including through the use of Somali agents to negotiate and collect the bribes on his behalf. The SEMG shared this information with the UN agency concerned. He is no longer working in Somalia.

32. The reality and perception that staff of UN agencies are engaged in fraud not only fundamentally undermines the system of aid but sets up Somali NGOs and local contractors as potential violators even before they begin their implementation of a project. Initiated by those in a position of power in the 'system', this corruption from the top co-opts local NGOs and contractors, and forces them into unlawful behaviour for survival. As one Somali interlocutor of the SEMG was told by his colleagues when he complained that he was finding it difficult to get funding: "Mohamed, but you are coming with closed hands!"[269] In order to recoup the bribe paid out, the local actor must build-in opportunities for diversion into both budgets and operational planning..

33. The incidents documented by the Monitoring Group in three different UN agencies do not appear to be isolated examples. Researchers working on humanitarian action and corruption risks in Somalia confirmed that they had collected similar accounts of how bribes are paid in order to secure project and contract awards in some INGO and UN entities. [270] They also noted that the use of middlemen or fixers to facilitate contracts and project awards was a regular occurrence.

Capture of monitoring and risk reduction mechanisms

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[267] Interviews with researchers working on corruption risks in Somalia, Nairobi, multiple occasions, June to August 2016

[268] Interviews with NGO staff member, June and July 2016.

[269] Interview with "Mohamed", Nairobi, 15 June 2016

[270] Interviews with researchers working on corruption risks in Somalia, Nairobi, multiple occasions, June to August 2016

34. In its 2015 report (S/2015/881) the SEMG noted that with the increased focus on risk management, monitoring and due diligence, third party monitors and external auditors had become an increasing part of the humanitarian aid landscape.[271] At the same time there was a danger that they too would be co-opted by the corruption pervasive in the system.

35. During the mandate the SEMG received information that bribes were solicited and paid in cash in Somalia and in Nairobi in the context of assessments conducted for a UN agency by an international consultancy on at least two occasions.[272] The interlocutor described in detail the circumstances leading up to and then the payment of bribes, in two locations, during the assessment. SEMG has shared the information collected with the UN agency concerned. The same firm was also involved in the conduct of audits of NGO projects, a number of which were investigated and in respect of which questions were raised regarding the quality of due diligence conducted. The SEMG also spoke to a researcher who reported that he had received testimony of similar allegations involving the same consultancy.[273]

36. In another case documented by the SEMG a small local NGO was directed to pay by a staff member of an INGO conducting an assessment of capacity in the context of grant-making.[274] Researchers interviewed by the SEMG confirmed that they had also received information relating to the payment of bribes during an INGO assessment.

37. These incidents highlight the extent to which the measures put in place to improve accountability within humanitarian operations may themselves be compromised by a system in which diversion and fraud is intrinsic to the operating model.

Diversion of bi-lateral aid

38. There continue to be challenges around the management and distribution of bi-lateral aid. In 2015 the SEMG reported on the arrest of seven government officials following FGS investigations into Turkish food aid diversion in Hiran.[275] In July 2016 a series of allegations were made by local officials that a significant portion of a shipment of 11,000 tonnes of food aid donated by Turkey had been diverted by officials of the ISWA and IJA administrations.[276] There were also allegations that logistics contractors for the movement of the food had been paid in food aid.[277] The original aid shipment from Turkey arrived in May 2016 and was received by the Ministry for Interior and Federal Affairs before being sent to Bosaso—for onward transfer to Galgudud and Hiran regions—and to the ISWA and IJA.[278] The Monitoring Group received information that at least some of the food aid which arrived in Kismayo was both sold in the market, and given to IJA forces as rations.[279] In 2015, aid from another donor provided bi-laterally was used by the IJA authorities to pay members of the IJA Regional Assembly and IJA officials.[280]

39. These allegations arose too late in the mandate for the SEMG to conduct a full investigation. Nevertheless, the SEMG reiterates its 2015 recommendation that donors require greater levels of accountability from both the Somali federal and regional entity responsible for receiving and distributing bilateral aid, and provide enhanced support for the

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[271] S/2015/801, annex 5.3, paragraph 55.

[272] Series of interviews conducted with NGO staff members, 14 and 24 April 2014 and 23 July 2016.

[273] Interviews with researcher working on corruption risks in Somalia, Nairobi, July 2016

[274] Interview NGO staff member, Nairobi, August 2016.

[275] S/2015/801, annex 5.3.

[276] See series of articles (in Somali) on the Markacadey website, 27, 28 and 31 July 2016 and on the Dhacdo website, 25 July 2016.

[277] See, for example, Garowe Online, "Corruption surfaces over Turkish food aid in Puntland", 7 August 2016. Available from http://www.garoweonline.com/en/news/puntland/somalia-corruption-surfaces-over-turkish-food-aid-in-puntland

[278] See, for example, Hiiran News, "Turkish aid ship arrives in Somali capital", 29 May 2016. Available at http://www.hiiraan.com/news4/2016/May/105651/turkish_aid_ship_arrives_in_somali_capital.aspx

[279] Email from former IJA minister, 20 August 2016.

[280] Interview with former official, Interim Juba Administration, Nairobi, 20 June 2015.

process of distribution and monitoring.[281] As noted by the Ministry for Interior and Federal Affairs in a meeting with the SEMG in early 2016, lack of support for the Ministry affected its capacity to operationalise donations.[282]

Diversion and non-governmental organisations (NGOs)

40. Investigations into diversion of UN aid during the last few years have, in the main, focused on local Somali NGOs and contractors at the Somali end of the distribution cycle. In 2015 a number of enquires were conducted into the activities of international NGOs (INGOs). In contrast to the high level of unaccounted for or fraudulent expenditure identified during the last two mandates, however, the culmination of a series of investigations completed by the Office of Internal Oversight Services (OIOS) during this mandate—one self-reported—identified fewer questionable transactions and what appeared to be isolated, rather than systematic, practices.[283] The reason for this may be twofold: one, that completed investigations are now occurring outside the time period of the 2010/2012 famine where there was combination of extreme need, large flows of aid and remote management of operations which produced many more opportunities for diversion; and two, that risk management mechanisms and a new approach to accountability in UN agencies is bearing fruit.[284]

Humanitarian aid and the conflict cycle[285]

41. In 2015 the SEMG reported that it had received credible information that humanitarian actors abused humanitarian principles and misused humanitarian inputs in the pursuit of clan dominance, including through use of violence in a number of places, but in particular in Lower Shabelle and Hiran.[286] The SEMG recommended that conflict, clan and power dynamics be better understood and incorporated in project planning in addition to suggesting that mixed clan management structures be encouraged. During the current mandate the SEMG recorded persistent allegations—from NGO, UN, Member State and local community sources—relating to the involvement of staff of an NGO in Marka, in the Haber Gedir/Biimaal conflict cycle. The Group's investigation is ongoing.

Al-Shabaab

42. In areas where it was the recognized authority, patterns of taxation and control of humanitarian inputs by Al-Shabaab noted in the Group's previous reports continued. In a number of places an increase in the nature and frequency of Al-Shabaab's taxation demands on individuals and their families was noted, with new forms of '*zakat*' identified as payable.[287]

Measures to enhance compliance

43. During the mandate the energies invested by UN agencies in 2013 and 2014 in collective risk management waned.[288] In December 2015, the Office of the Resident and Humanitarian Coordinator (RC/HC), took the decision to suspend the

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[281] S/2015/801, annex 5.3.

[282] Meeting with Minister of Interior and Federal Affairs, Mogadishu, 2 February 2016.

[283] See S/2015/801, annex 5.3 where it was noted that, for example, in one project implemented by an international organization, 100 per cent of costs incurred were found to be unaccounted for or unsubstantiated.

[284] See discussion below.

[285] In resolution 2111 (2013) the Security Council condemned "any politicization of humanitarian assistance, misuse or misappropriation" and called upon the UN and Member States to "take all feasible steps to mitigate these [...] practices in Somalia". Resolution 2111 (2013) at paragraph 11.

[286] S/2015/801, annex 5.3.

[287] The SEMG received information on particularly intensive *zakat* and taxation demands in Bakool, Hiran, Lower Shabelle and Middle Juba, both in the form of levies on agricultural production (Middle Juba/Bakool) but also in the form of bi-weekly 'protection' levies (Lower Shabelle). Interview UN staff member, Mogadishu, 19 June 2016. Interview traditional elder from Lower Shabelle, Nairobi, 2 June 2016. Interviews with Bantu elders from Middle Juba, March to June 2016. Interview with woman from Sakow, United States, 17 January 2016. See also annex 1.8 on Al-Shabaab financing.

[288] In S/2014/747 and S/2015/801 the SEMG noted increased efforts by UN agencies to create and participate in collective mechanisms. By November 2015, however, the RC/HC was compelled to write to the UN Country Team

Risk Working Group (RWG) due to poor attendance and lack of engagement by agencies.[289] The meeting forum itself was not the only element of the risk management framework to which agencies appeared uncommitted. One critical objective of the risk management framework, for example, was to enhance information sharing. Although a draft of an information sharing protocol was circulated by the Risk Management Unit (RMU),[290] there has been little feedback.[291] As a result there is still no agreement on modalities for sharing information relating to risk management, whether in terms of the outcome of internal investigations or broader situational profiles.

44. Despite the increasingly significant sums being spent by UN agencies on third party monitors and special audits therefore, information sharing still takes place on an occasional informal level, with agencies rarely even sharing with the RMU itself. Although sharing of investigation outcomes may be constrained by agency mandates and other legal requirements, it is unclear why, at a minimum, organisational profiles or situational analysis cannot be shared with the RMU, not least to avoid duplication of efforts and costs within the UN system.

45. At the same time, while stepping back from engagement in collective mechanisms, some agencies have in fact deepened and expanded their own internal investigative capacity during the mandate: nevertheless, it appears that some agencies are determined to keep information in house, whether for reputational or other reasons. As emphasized by the SEMG in S/2015/801, the ability to track the networks of individuals involved in diversion across local and international NGOs and UN agencies, and to understand how they may mutate into new positions or entities, is critical, and requires sharing of information.[292] Connections also operate vertically: staff members of INGOs and UN agencies often operate or are affiliated to local NGOs and are considered as investors with an interest in the success of the latter. Although the RWG was reconvened in June 2016, it is important that UN agencies enhance information sharing and coordinate efficient use of resources, *inter alia*, through the RMU.

Pursuing accountability

46. The increased willingness of UN and NGOs to acknowledge and investigate diversion during the last three years, is now finally being matched by new initiatives to manage what emerges from these enquiries. These include options such as partner 'rehabilitation' through arbitration and amicable settlement, submission of investigation findings to national jurisdictions where appropriate (standard practice now in some agencies)[293], and the creation of "Vendor Sanctions Committees" to steer the process.[294]

47. Tackling the more serious cases remains challenging, however, whether for understandable security and safety reasons on the ground, or difficulties in interacting with reluctant national criminal jurisdictions. As noted above, the more minor the violation and the most established the NGO the greater has been the capacity of the donor or UN entity to engage and pursue a solution or settlement. Where fraud has been extensive and perpetrated by powerful actors, the pursuit of accountability for misappropriation uncovered in investigations has tended to run aground. UN dispute

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(UNCT) to urge UN entities improve their engagement in the collective mechanisms which they had developed and committed to. Email from the Office of the RC/HC to the UNCT, 22 November 2015.

[289] The Risk Working Group is a cross-agency risk management working group (RWG) convened under the Office of the Resident Coordinator/Humanitarian Coordinator and established in May 2014. It comprises the Risk Management Unit (RMU) and Risk Focal Points from the United Nations Country Team (UNCT).

[290] Established in 2011 for Somalia, the Risk Management Unit (RMU) ensures that the UN, its partners, and donors better understand and mitigate the risks associated with operating in Somalia. The RMU has designed and developed a number of risk management tools and services for this purpose. See http://so.one.un.org/content/unct/somalia/en/home/what-we-do/Risk%20Management%20Unit/

[291] This protocol covers key aspects and considerations that need to be taken into account by all actors when sharing information related to fraud and investigations and provides recommendations towards a common approach.

[292] S/2015/801 at annex 5.3.

[293] As a result of these efforts, criminal cases against individual staff members at the national are, for example, under consideration in some jurisdictions.

[294] Interviews with UN agency staff, Nairobi, August 2016

resolution systems have proved ill-suited for pursuing egregious cases and donors and Member States that have jurisdiction to pursue the cases—unlike the UN—have not taken up them up.

48. As a result, the discovery of large scale fraud and diversion has generally not led to penalties for those involved, beyond the dissolution of a small number of notorious organisations. Conversely, some others have found themselves *de facto* blacklisted, whether as a result of rumours or the tense atmosphere created around the conduct of investigations.[295] The result has been both ongoing impunity and a perception of a lack of fairness in the system as a whole.[296]

49. The African Rescue Committee (AFREC) scandal (S/2013/413) is one which is regularly cited by Somali humanitarian workers as an example of impunity for the powerful. In 2013 AFREC was exposed as responsible for the unaccounted or diverted expenditure of millions of dollars of UN funds.[297] In September 2012, over USD 11 million worth of AFREC contracts had been registered in the central UN contract management database.[298] One investigation found that in 12 projects implemented by AFREC between July 2010 and August 2012 alone, 79 per cent of the USD 2.94 million costs only had been either fraudulently claimed or unsubstantiated.[299] The director/owner of AFREC Abdi Ali Raghe is now both a senior regional administration official in the IJA and a businessman with whom the international community has daily engagement.[300]

50. Tackling individual instances of fraud and diversion will, however, always be insufficient. It is critical that the humanitarian community explore how to combine a rigorous approach to ending the impunity of those responsible for the most egregious diversion, with generating a genuine civic conversation about the function and meaning of humanitarian aid, including in terms of the relationships between all actors in the cycle of distribution. A 'zero tolerance' policy model, for example, tends to impede openness and may hamper dialogue.

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[295] Interview NGO staff member, Nairobi, July 2016.

[296] Multiple interviews with Somali humanitarian workers during the mandate.

[297] The SEMG conducted an investigation into diversion of humanitarian aid by AFREC in 2013. S/2013/413, annex 7.2

[298] Interview with UN staff member, Nairobi, 26 September 2012.

[299] S/2014/747, annex 7.6

[300] AFREC effectively ceased operations after its conduct was first exposed by UN internal investigations and subsequently publically in the US media. See, inter alia, Millions in UN Somalia aid diverted, hints that some went to terrorists, available at http://www.foxnews.com/world/2015/01/20/millions-in-un-somalia-aid-diverted-hints-that-some-went-to-terrorists.html. AFREC subsequently replicated itself as another NGO, Heal International. Heal International, was "introduced" to the health cluster at a meeting in Feb 2014 employing a profile almost exactly equivalent to that of AFREC. See, Health Cluster Coordination Meeting, Wednesday 5 February 2014, available at https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/events/agendas/NBO%20Health%20Cluster%20Meeting%20Minutes-Feb%202014.pdf]

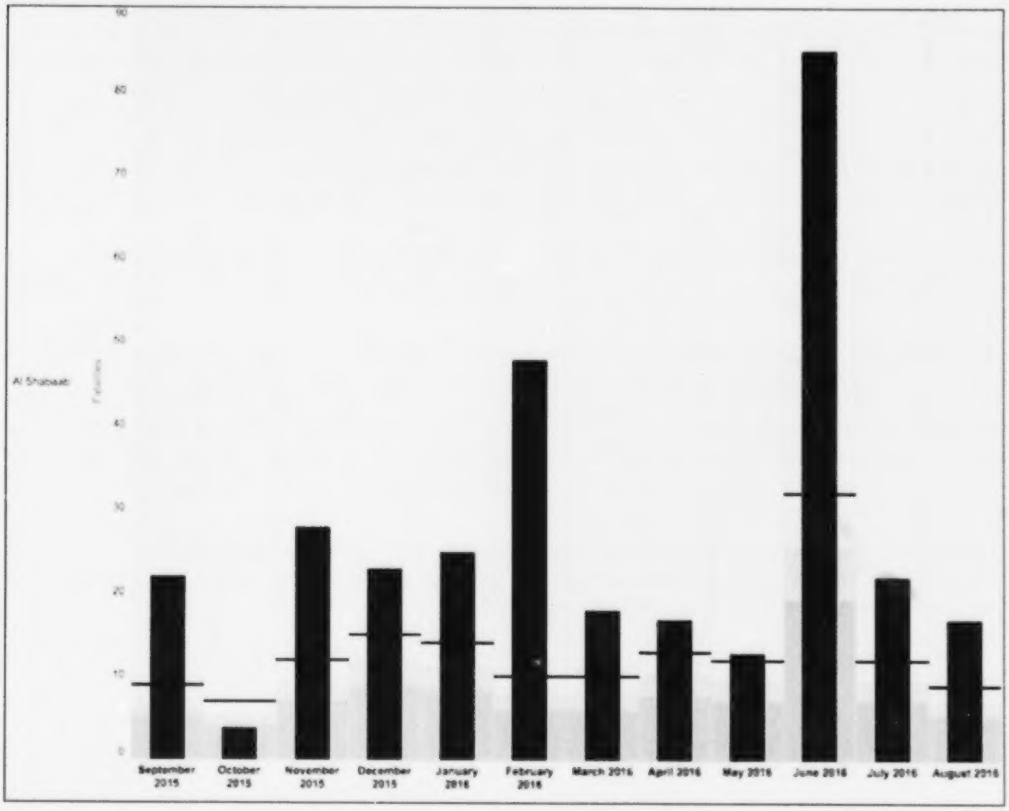
Annex 7

Violations of international law involving the targeting of civilians

Annex 7.1: Al-Shabaab violence against civilians: large scale IED attacks

1. Anti-civilian violence has been steadily on the rise in Somalia since January 2015, with June 2016 being the most violent month faced by civilians, calculated as as a proportion of overall violence in Somalia.[301] During this period Al-Shabaab has been responsible for the largest share of all civilian fatalities (37 per cent). Although the average number of Al-Shabaab attacks on civilian targets has not significantly changed since last year, the intensity of the violence has increased, with each incident now involving a greater number of deaths and injuries.

Figure 7.1 (a)



Graph showing the number of incidents attributed to Al-Shabaab per month contrasted with the number of fatalities associated with those incidents. Graph created for the SEMG by ACLED/Professor Clionadh Raleigh.

2. In addition to its ongoing campaign of targeted assassinations, Al-Shabaab ensured it generated high civilian casualties through enhanced targeting and means of attack in its operations involving improvised explosive devices

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[301] The Armed Conflict Location and Event Data Project (ACLED) conducted analysis for the SEMG, Draft Conflict Analysis of Somalia, August 2016. ACLED is a project which collects and analyses data on political violence in developing states. For more, see www.acleddata.com.

(IEDs).[302] On 28 February 2016, for example, an attacking combining a person borne IED (PBIED) and vehicle borne IED (VBIED) on two popular cafes in Baidoa killed at least 38 people. During its visit to the town of Baidoa between 2 and 5 March 2016, the SEMG met with local medical staff and government officials, including first responders, who noted that the explosion had caused a large number of deaths and injuries across a wide area with wound characteristics not previously seen.[303] Officials described victims with severe burns and surmised that Al-Shabaab had employed a special kind of material which had caused intense heat.

3. The SEMG spoke with experienced medical personnel and explosives experts who responded to multiple PBIED and VBIED attacks in Somalia during the mandate to understand if there had been a change in the Al-Shabaab's IED techniques and tactics. According to those consulted, there has been no major evolution in the nature of the explosives which Al-Shabaab employs in its IED operations.[304] It is rather the size of the IED, the increasing scope of the method of delivery, and the choice of target which are creating stronger and more violent explosions. In recent attacks, for example, Al-Shabaab has not only used high volumes of explosives, packed in fuel-bearing vehicles (cars and small trucks), it has also placed steel plates or other metal scrap around the main charge to increase fragmentation. As a result of all these factors, larger pieces of material are generated when the IED explodes, contributing to the seriousness of the injuries. An expanded blast radius also increases the number of people affected. In addition, depending on the location of the attack, other accelerants augment the explosion: the kitchens of the cafes in Baidoa, for example, most likely contained gas or other fuels which likely accounted for the descriptions of first responders to the SEMG that blood was "burning" on the ground.[305]

4. More broadly it is understood that during the last two years Al-Shabaab has been joined by explosives experts who have higher level technical skills, including in the creation of homemade explosives from commercial materials which are widely available.[306]

5. The complex attack launched by Al-Shabaab during the mandate in Mogadishu and Baidoa were all initiated by VBIEDs equipped with homemade explosives. These components can be extracted from a variety of ordinarily available materials such as fertilizer or household products. This makes it easier to find IED source material at scale: IEDs with 200 to 400 kg payloads have been regularly deployed this year. As a result of Al-Shabaab's new IED capacities, the slow work of harvesting military grade explosives from captured weapons and unsecured ammunition dumps—in which latter children have been engaged—is no longer a priority for Al-Shabaab when preparing such large IEDs, although small amounts are used as boosters for the detonation.

6. Although control of these materials is not possible, consideration could be given by the FGS and its partners to efforts to track and monitor of patterns of import and distribution of large volumes and/or unusual purchaser identities for materials which can be easily exploited to manufacture homemade IEDs.

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[302] See section II A of this report for an assessment of Al-Shabaab operations during the mandate.

[303] Interviews with regional security officials, Baidoa, 2 March 2016. A source of the Monitoring Group visited Baidoa hospital on behalf of the SEMG and collected information (testimonies and pictures) on the situation of the victims.

[304] Interviews with military experts with knowledge of developments on the ground in Somalia, Mogadishu, 5 September 2016.

[305] Al-Shabaab also conducted an attack on 21 August 2016 in the center of Galkayo (North) in which two VBIED explosions caused the death of over 27 civilians and the injury of up to 90 people, many seriously. See the statement of the UN Assistance Mission in Somalia on the attack at https://unsom.unmissions.org/srsg-keating-condemns-terrorist-attack-gaalkacyo.

[306] See also annex 8.6 (confidential) for a detailed discussion of Al-Shabaab's developing capacity to deploy sophisticated IEDs in its military targeting.

Annex 7.2: Al-Shabaab: recruitment and use of children[307]

7. During the mandate the SEMG received multiple reports of forced recruitment of children by Al-Shabaab in Middle and Lower Juba and Lower Shabelle, from the relatives of communities living in those areas, and from refugee families in camps in Kenya.[308] The Group also monitored the capture of children fighting with Al-Shabaab by the forces of the Puntland and Galmudug Interim Administration (IGA) in March 2016.

8. Al-Shabaab used increasing force in its recruitment of children this year. During the first three months of 2016 alone there were 268 incidents of child abduction verified by the UN and its partners, the majority of which were attributed to Al-Shabaab.[309] Against the background of this aggressive general recruitment drive (primarily in Bay, Lower Shabelle, and Middle Juba), evidence collected by the SEMG points to an increasing focus by Al-Shabaab on the recruitment of very young children, particularly prior to, and after, Al-Shabaab's failed attack on Puntland. From the patterns observed, Al-Shabaab appears to be filling immediate operational needs to deploy large numbers of relatively untrained foot soldiers, but also to be implementing a longer-term strategy to build a cadre of loyal fighters indoctrinated from a young age.[310]

- In September 2015 sources of the Monitoring Group described the beginning of an aggressive recruitment drive around Jamame, particularly in areas near Kamsuma and Makalongo.[311]
- In December 2015, the SEMG received reports that over 150 children had been abducted by Al-Shabaab from madrassas in Bay region.[312] Subsequently a number of former Al-Shabaab fighters told the SEMG that they had seen significant numbers of children being trained and/or marshalled in a camp outside Bulo Fulay in Bay region.[313]
- In early 2016 Bantu/Wagosha elders told the SEMG that around 260 children and youth, between the ages of 12 and 24 years old, primarily from Mahaway and Wazigua sub-clans of the Jareer community from Lower and Middle Juba, were abducted and taken to locations in Puntland.[314] The elders provided the SEMG with the names of some of the children taken from Migwa, Shongol and Isaqbul villages, a number of whom died, and others still in the hands of Al-Shabaab.[315]

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[307] Precise details of some of the incidents listed in this annex were omitted to protect SEMG sources and their families from retributive attacks.

[308] In the first three months of the year the recruitment and use of 472 children (442 boys, 30 girls) was documented. Al-Shabaab was responsible for the majority of the cases (276) followed by clan militias (123). Email from UN staff member, 22 July 2016. Al-Shabaab's recruitment drive since the failed Puntland attack is not captured in these figures.

[309] Report of the Secretary General on Somalia, S/2016/43, 9 May 2016, paragraph 58. During the whole of 2015 the UN verified 523 cases of abduction of children of which Al-Shabaab was responsible for 492, primarily in the context of recruitment Report of the Secretary General, Children in armed conflict, 20 April 2016, A/70/836–S/2016/360, paragraph 118.

[310] It may be—and those entering defector programs reflect this—that older recruits are seen as most likely to question and desert. Discussion with security expert, Mogadishu, 5 September 2016.

[311] Telephone interviews conducted by a relative of community members from the area and shared with the Monitoring Group, Nairobi, 28 June 2016.

[312] See A/70/836–S/2016/360, paragraph 113. The UN was only able to verify 26 of these cases.

[313] Interview with former Al-Shabaab fighters, Garowe, 10 May 2016.

[314] Interview with Bantu elders, Nairobi, 25 January 2016; correspondence dated 22 July 2016 from Bantu elders on file with the Monitoring Group; email from Bantu elder to the SEMG, 31 August 2016; see also S/2015/801, annex 6.2 for detailed information on the persecution of the Bantu/Wagosha community—including forced recruitment Lower and Middle Juba between 2013 and June 2015.

[315] It was also reported, but could not be confirmed, that some of the identities of the children were changed and that Al-Shabaab "claimed they are from Tanzania and Kenya". Individual from these clans speak their own language which is similar to Swahili. Children from Migwa were among those who detained by the Puntland authorities when they captured Al-Shabaab fighters in March.

- In March 2016, the local community in two villages in Lower Shabelle rejected Al-Shabaab's specific request to 'provide' children in the age range of eight to fifteen years old and presented an older group of potential recruits for consideration.[316] Al-Shabaab did not accept the substitution, and abducted 60-70 small children from Koranic schools in the area. Later rumours circulated that the children were intended to be used as suicide bombers to interrupt the 2016 political elections.
- In March 2016 representatives of the security services in Baidoa told the Monitoring Group how Al-Shabaab in the sector had begun a new approach to recruitment.[317] Children from 10 years old in the area were being given "an offer of education", for which parents paid fees, and through which military training was initiated. The officials described this new approach as a "long term threat which needs to be brought to the attention of the international community".
- In March 2016 the SEMG was informed of a forceful recruitment program underway between Eel Addow and Kurtunwarey in Lower Shabelle, particularly focussing on schools.[318] Hundreds of children are estimated by the UN to have been the target of such sweeps in Lower Shabelle alone during the first months of 2016, including further to attendance at madrassa or public or religious gatherings.[319]
- In May 2016, the SEMG received reports of a surge in recruitment of children from madrassas in Harardhere district in Mudug region.[320]
- In June 2016, the SEMG spoke to recently arrived refugee families in Kenya who cited a child recruitment drive, particularly of boys between 12 and 15, around Afgoye, Lower Shabelle, as their reason for fleeing the area.[321]
- In June 2016, the SEMG verified UN reports that teenage recruits had recently completed four months of training in Bu'ale, Middle Juba.[322]
- By the end of June 2016 there had been 521 cases of Al-Shabaab recruitment of children verified by the UN.[323]

Capture of over 100 children associated with Al-Shabaab

9. Al-Shabaab's failed attack on Puntland and Galmudug particularly exposed the expanding pattern of Al-Shabaab recruitment and use of very young children. When the kinetic operations ended, the Puntland and Interim Galmudug administrations found themselves with over a hundred children in their custody who had been separated from Al-Shabaab—some as young as 11.[324] The children had in the main been hastily trained: among the children captured in Puntland, few of them had spent more than one year with Al-Shabaab, one had spent only one month with the group before being deployed.

10. In a video interview of the children conducted just after they were captured by Puntland forces at Tugga Suui, four of the boys described their different trajectories to Al-Shabaab through madrassa, promises of education and abduction.[325]

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[316] Email from member of parliament from Lower Shabelle, 4 April 2016; The name of the two villages are withheld for safety reasons.

[317] Interviews with representative of the security sector in Baidoa, 2 March 2016.

[318] Email from prominent elder in Lower Shabelle, 1 April 2016.

[319] Email from UN staff member, 22 July 2016. These cases are still being verified by the UN and its partners.

[320] Email from UN staff member, 16 May 2016.

[321] Interviews with members of the Biimaal community, Kenya, 2 June 2016. They noted that if there was only one son in the family there was an option of paying to avoid recruitment.

[322] Email from UN staff member, 5 June 2016; Skype call with relative of a resident of Bu'ale with knowledge of Al-Shabaab operations.

[323] Email humanitarian worker, 18 September 2016.

[324] Interviews with UN staff members, March to June 2016. The SEMG visited the facility in Garowe where the children were held on 10 May 2016. At that point the children were being held separate from the adult former combatants and in adequate conditions.

[325] The SEMG reviewed some of the basic information available on the detained children from official sources and

A second set of interviews conducted later that day revealed that a number had been provided basic training, particularly on use of an AK47—others none—and then had been sent to Puntland without explanation: "we just followed orders". The boys had been gathered from different areas of south central Somalia, taken to the landing point at Harardhere, and told to fight. A number of testimonies collected by the SEMG from family members of children abducted by Al-Shabaab in Middle Juba in early 2016 confirm this pattern of recent recruitment, cursory training and rapid deployment.[326]

11. In May 2016, in line with the Somalia Standard Operating Procedures on the reception and handover of children separated from armed groups, 43 children were transferred by the authorities in Galkayo into the care of the United Nations Children's Fund (UNICEF): one child was released to his mother in Galkayo. Negotiations to secure the release of the children from Puntland, however, stumbled.[327] On 20 June 2016, 12 of the children were sentenced to death further to summary trials in the military court in which the children were not represented and in which they were cursorily found guilty of "association with Al-Shabaab".[328] Although the Puntland authorities have given assurances to the UN that the children will not be executed, the manner of their trial, and their continued detention is of concern.[329] In a positive development however, in July 2016 a joint age assessment team comprised of Puntland government officials, international NGO experts and the UN was established to evaluate at least 19 of those sentenced to death whose currently determined ages are on the borderline.[330] The SEMG learned in September that 9 of the 19 were assessed as children and a tenth recommended for release on health grounds. All ten had been sentenced to death.[331]

12. Al-Shabaab's willingness to increasingly use children in direct military encounters raises questions about the need for international and national security forces in Somalia to examine whether there are special tactics, techniques and procedures that may need to be deployed before and during active hostilities. Encountering children on the battlefield creates complex moral, ethical and military doctrine and rules of engagement dilemmas. Training, scenario running and other interventions, tailored to the Somali context, might be considered.[332]

Detention and use of children separated from Al-Shabaab

13. The SEMG reported to the Council in 2015 that it had received credible testimony on the victimisation and use of former child soldiers or children separated from armed groups and detained by the authorities at the Mogadishu Serendi camp, including for intelligence gathering, in breach of international law.[333] During the current mandate the SEMG also received allegations from sources with direct knowledge of the facility, of sexual and physical abuse of the children and adults in previous years at the camp.[334] On 8 May 2016 a story in *The Washington Post* exposed the practice of using former child soldiers as intelligence assets by the National Intelligence and Security Agency (NISA).[335] The Director of

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reviewed TV interviews conducted by journalists with the children captured in Puntland and other footage of children detained in Galkayo.

[326] In August 2016 the SEMG received testimony from a refugee in Kenya who described how her son had been abducted from Jiriki in Lower Juba in January 2016. In March 2016 she received a phone call from her son informing her that he had been critically injured in a battle. A week later she received a photograph of her son's body. A refugee father also told how his son (16) had been abducted around the same time from the same area but was later killed: he continued, however, to receive communications from his son's friends who were still being held by Al-Shabaab "around Garowe and Bosasso".

[327] Interview with UN staff member, 17 June 2016.

[328] Altogether 43 fighters received the death penalty. See http://www.garoweonline.com/en/news/puntland/somalia-puntland-court-sentences-43-al-shabaab-fighters-to-death. The 12 children were transferred to Bossoso and held alongside the other prisoners who had been sentenced to death.

[329] Phone interview with UN staff member, 20 August 2016; email UN staff member 27 June 2016.

[330] Interview UN staff member 13 July 2016.

[331] Email from humanitarian worker, 18 September 2016.

[332] See, for example, the work of the Romeo Dallaire Child Soldiers Initiative at http://www.childsoldiers.org/what-we-do/#training

[333] S/2015/801, annex 6.4.

[334] Interview with individual regularly present at the facility in 2014 and 2015, undisclosed location, 2 August 2016.

[335] Kevin Sieff, "US-funding Somali intelligence agency has been using kids as spies", *The Washington Post*, 8 May

NISA, Gen. Abdirahman Turyare was quoted in the article acknowledging the practice, and even suggesting it was ongoing—although only for children held as "high value" ex-combatants. He was subsequently removed from his post. In the first six months of 2016 there were at least 250 children detained on security related charges, primarily by FGS security forces.[336]

14. On the same day as the *Washington Post* article was issued, the FGS Office of the Prime Minister announced the appointment of a ministerial-level Fact Finding Committee.[337] The Committee reported quickly in June 2016 and the FGS shared a copy with the SEMG. The Committee found that "while underage children were used by NISA in the past to identify members of Al-Shabaab through the finger pointing technique, that practice is no longer applied at any of the detention centers nor are underage children kept under NISA custody".[338] The Committee also acknowledged also that "the previous situation in which children and adults were kept in the same facility has created an environment of systematic human rights violations". The Committee urged that a human rights policy be developed for NISA, including standard operating procedures relating to detainees and that training for NISA and other law enforcement agencies be conducted.

15. Approximately 2,430 adults have passed through or are currently in reintegration facilities for 'low risk' ex-combatants since programs began in 2013. An additional 64 children have been transferred out of the system in Serendi camp into the care of UNICEF partners. Meanwhile—other than the high profile Serendi and Galkayo caseloads noted above—only 20 children have been transferred to UNICEF and its partners for protection and rehabilitation since early 2014.[339] Taking into account the high percentage of children found within Al-Shabaab units on the battlefield in Puntland (as much as 50 per cent) and multiple testimonies of increasing forced recruitment of children, the question arises: why are children not deserting in proportional numbers and finding their way into child protection programs associated with demobilisation? Are local solutions being found? What are the implications of these discrepancies in the numbers for the development of a more comprehensive FGS and international response to responding to the protection needs of children recruited and used by Al-Shabaab?

16. At the end of July 2016, the Special Representative of the UN Secretary-General for Children and Armed Conflict (SRSG CAC) conducted her second visit to Somalia. She particularly highlighted the need for appropriate treatment and protection for children separated or captured as a result of their association with armed groups and the implementation of special measures to protect children from recruitment and use.[340] In this regard, as pressure rises on refugees to repatriate from Kenya, the return environment must be carefully monitored—68 per cent of all those who returned to Somalia from Dadaab camp during 2016, were children.[341] In April and August 2016 Human Rights Watch collected testimonies from several young men and boys who attempted to go home with their families to Al-Shabaab-controlled areas and had been approached for recruitment—they subsequently fled again to Kenya.[342]

2016. Available from https://www.washingtonpost.com/world/africa/exclusive-us-funded-somali-intelligence-agency-has-been-using-kids-as-spies/2016/05/06/974c9144-0ce3-11e6-a6b6-2e6de3695b0e_story.html

[336] Cases verified by the UN. Email UN staff member, 18 September 2016.

[337] This ministerial committee included the Minister of Justice (Abdullahi Ahmed Jama), the Minister for Internal Affairs and Federalism (Abdirahman Mohamed Hussein "Odawa"), the Minister for Security (Abdirizaq Omar Mohamed) and the Commander of the Custodial Corps (General Bashir Mohamed Jama "Gobe").

[338] Findings of the Ministerial Committee on the Washington Post article regarding Somali Intelligence agency and the alleged use of child defectors as spies, 12 June 2016, on file with the Monitoring Group.

[339] This has been required since the February 2014 when the FGS signed the Somalia Standard Operating Procedures on the reception and handover of children separated from armed groups.

[340] Press release, Somalia: Special Representative Zerrougui calls for stronger measures to protect children affected by armed conflict, 26 July 2016 available at, https://childrenandarmedconflict.un.org/press-release/somalia-special-representative-calls-for-stronger-measures-to-protect-children/

[341] See, UNHCR, Weekly Update, Voluntary repatriation of Somali refugees from Kenya, 5 August 2016, available at http://reliefweb.int/sites/reliefweb.int/files/resources/VoluntaryRepatriationAnalysis-05082016.pdf. Email from researcher, 9 September 2016. In a phone interview on 9 September 2016 an NGO expert on child protection and the prevention of recruitment and use of children, including in Somalia, warned that returning refugee children were being targeted.

[342] Human Rights Watch, Kenya: Involuntary Refugee Returns to Somalia, Camp Closure Threat Triggers Thousands Returning to Danger, 14 September 2016, available at https://www.hrw.org/news/2016/09/14/kenya-involuntary-refugee-returns-somalia.

Annex 7.3: Violations committed by Federal Government of Somalia (FGS) security forces against civilians held in detention[343]

17. Although large scale attacks on civilians were not committed by FGS forces during the mandate, there continued to be systematic compromise of the legitimacy of the security forces in the eyes of local communities, in particular through the abuse of state power to advance clan, political or economic interests. This contributed to undermining the effectiveness and legitimacy of the FGS security forces, and peace and security generally.[344] During the mandate, the SEMG examined a number of cases of violations committed by federal security forces against civilians held in detention.

Detention and torture by Somali National Army (SNA) officers in Jowhar[345]

18. In 2014 the SEMG reported on a series of attacks on 20 Bantu villages on 6 and 7 November 2013 launched by Abgaal/Mohamed Muse militias, and SNA personnel, in the course of which civilians were killed, homes burned, assets looted, women were raped and thousands displaced.[346] On 11 April 2016, five young Bantu/Shiidle men, all farmers from Daifa or Baroweyne villages in Middle Shabelle, were arrested and detained by a unit of the Somali National Army (SNA). Accused of being members of Al-Shabaab, the five men were first detained for two days at Jowhar Airport military base, subsequently held for seven days at Jowhar Police Station, and finally transferred for 43 days to National Intelligence and Security Agency (NISA) facilities. All five men were regularly beaten and denied water during their detention. Two of the men were particularly signalled out for torture by two named SNA commanders: one man had his finger nails pulled while both were severely beaten with butt of a rifle and had boiling hot water poured on the wounds.[347] According to testimonies received by the SEMG, the SNA officers involved in the violation wanted to appropriate the properties of the men, and used the accusation of affiliation with Al-Shabaab as a pretext for their detention. After more than seven weeks in detention, the men were finally freed by the now deceased commander of NISA in Jowhar, Abdiweli Ibrahim Mohamed and cleared of all allegations.

19. Information on this case came to light late in the mandate: the SEMG has shared the names of the officers involved and the details of the case with the UN Human Rights and Protection Group and have requested them to raise the issue with the local authorities and consider relevant protection needs of the victims.

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[343] Precise details of the incidents listed in this annex were omitted to protect SEMG sources and their families from retribution attacks

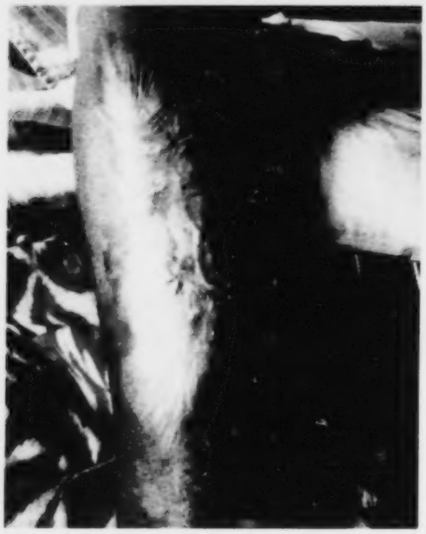
[344] See annex 7.5 for a discussion on how involvement of FGS security forces in clan conflict in Lower Shabelle is undermining peace and security in the regional and in Somalia as a whole

[345] Monitoring Group phone interviews with individual with knowledge of the case who conducted interviews on behalf of the SEMG with the men, August 2016

[346] S/2014/747, annex 8.1 and strictly confidential annex 8.2

[347] Photographs of injuries sustained by two of the men are held on file with the Monitoring Group, with one attached at figure 7.3 (a). The injuries—some still raw—are broadly consistent with the testimony provided of the torture meted out to the men

Figure 7.3 (a)



Photograph of one arm injury sustained by one of the five men (name on file with the SEMG.) unhealed, taken by source of the Monitoring Group, four and a half months after its infliction

Torture and ill-treatment in security detention[348]

20. In 2014 and 2015 the SEMG documented allegations of ill-treatment and torture, in particular of journalists, in Mogadishu's Central prison, and in security detention as overseen by NISA officials.[349] During the current mandate, the SEMG conducted detailed interviews with five civilians who reported being subject to ill-treatment and and/or torture in security detention—in Godka Jillicow (Bondheere District) and Hoggaanka Baarista/Godka Madaxtooyo (Villa Somalia)—during 2014 and 2015.[350] All five were detained as a result of, and some found guilty of offenses relating to, their work as journalists or their public expression of political opinion.[351] Prior to the specific incidents under examination, all had been warned multiple times by various authorities (executive and security branches of government) that there were topics they should not address in their public communications. All had been arrested and detained multiple times.

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[348] Where torture is committed in a context linked to an armed conflict it constitutes a war crime. When committed as part of a part of a widespread or systematic attack directed against any civilian population or an identifiable part of a population it can constitute crimes against humanity.

[349] See S/2015/801, annex 6.1 and S/2014/747, annex 8.1

[350] Series of interviews conducted in person and on the phone Nairobi, Belgium, Sweden and the United Kingdom, between March and August 2016. One of the reasons for the delayed investigation of these cases was concerns about the safety of the interviewees. There was a need to ensure they were in a place where their protection could be assured.

[351] For an overview of challenges to freedom of expression in Somalia and the frequent arrest of journalists and shuttering of media houses on state security grounds, including during the current mandate, see UN Assistance Mission in Somalia, Report on the right to freedom of expression, Striving to Widen Democratic Space in Somalia's Political Transition, August 2016; see also, Human Rights Watch, Like Fish in Poisonous Waters, attacks on media freedom in Somalia, 2 May 2106, available at, https://www.hrw.org/report/2016/05/02/fish-poisonous-waters/attacks-media-freedom-somalia

21. The SEMG also interviewed others who had been detained in the Central prison and in Godka Jillicow around the same time period who provided corroborating testimony on the patterns of conduct described by the principal interviewees. In addition, the SEMG reviewed information and material circulated on social media relating to torture and ill-treatment in detention.

Summary of the testimonies

22. The individuals interviewed by the Monitoring Group claimed that they were subjected to: restrictions on, or denial of, food and drink; confinement in small airless cells; beating and slapping; forced standing and confinement in stress positions using handcuffs or other ties making breathing difficult; interrogation while blindfolded; threats of death, sexual assault and further torture including by senior officials during questioning; hooding with plastic bags; use of electric shocks; forced partial submersion in water to induce fear of drowning, insults and general threats of violence, and denial of access to medical services.

23. Judicial oversight of detention and treatment in custody was minimal and insufficient and involved forum shopping. Four were brought before a military court where requests for extension of the detention period were acceded to: in one case, apparently the judge did reject a request for a 45-day extension of custody, and questioned the appropriateness of the enquiry. Nevertheless, the judge went on to direct a 21-day extension of custody. Another interviewee described how he was brought before a civilian court which ordered his release: he was then taken to a military court where the extension of detention was granted. In two cases it appears that the presiding judge in the military court made rudimentary enquiries into the well-being of the men but ultimately accepted the explanation of security officials as to how visible injuries were sustained. In one of these cases the detainee alleged that he told the judge directly what had been done to him and recounted how he had lost consciousness during the torture.

24. In addition to their personal testimonies, the five men recounted in detail having observed or received information from fellow detainees on the following conduct: extrajudicial killing of prisoners, forced marriage, torture, sexual assault, routine beatings. They also provided information on cases in which it was alleged by fellow detainees that individuals had been released further to the exertion of influence through family connections or money.[352]

The case of Ali Abdi Wardhere (Ali Ali Yare)[353]

25. Only one of the five principal interviewees was willing to allow details of his case to be shared publicly.[354] Between March and May 2015 Ali Yare (Haber Gedir/Ayr), a well-known political activist and blogger, received a series of threats from government actors, on phone and on social media in relation to his political writings. Mr Ali Yare described to the SEMG how in March 2015 he was brought to a meeting with President Hasan Sheikh who personally warned him about his conduct in the presence of the Minister for Interior and Federal Affairs and other officials. In late May 2015 Mr Ali Yare was arrested twice and questioned by the security services about his political activities and ordered to attend and sign-in regularly at the station.[355] He was informed in particular that the President was "unhappy" with his engagement in the formation of the Interim Galmudug Administration (IGA) including his role as campaign manager for the IGA

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[352] The SEMG continues to investigate these cases and will share with appropriate authorities, to the extent that it does not harm potential witnesses.

[353] Mr Ali Yare provided the SEMG with a written statement and supporting documents in addition to engaging in four interviews with the SEMG dealing with his experience between May and August 2016, in person in Nairobi, and on phone and Skype.

[354] Mr Ali Yare's public profile and circle of protection both among senior members of the cabinet and the international community, and even, at a personal level, among senior NISA officials, were not sufficient to protect him. But they did allow him to speak out relatively publically about his experience, and what he observed of the treatment and circumstances of other detainees. Due to his profile, his detention and release were heavily documented on social media.

[355] Texted sign-in directions reviewed by the SEMG.

Presidential aspirant, Ambassador Ahmed Abdelsalam Adan.[356] Indeed, in the weeks preceding his detention Mr Ali Yare had been prevented from flying to Adado on four occasions when he presented himself at Mogadishu airport. Finally on 11 June 2015 Mr Ali Yare was arrested from his home by NISA personnel, assaulted and blindfolded and taken to the Madahtoyo NISA investigation facility at Villa Somalia.[357]

26. During the first period of his detention Mr Ali Yare was regularly blindfolded, taken from his cell, slapped, pushed down on the ground, interrogated and threatened with death. He stated that he was accused of wide variety of illegal activities, including undermining the state and killings (at a time when he was a child). He was not permitted access to a lawyer but members of his family were allowed to visit briefly on 19 June 2016. After about ten days in detention, Mr Ali Yare states that he was taken to the location of the Supreme Court but ultimately not permitted to enter the facility, remaining in the courtyard. When the principal official returned to the vehicle, however, it was implied that an order had been obtained extending his detention but Mr Ali Yare was not provided with any details.[358]

27. Due to a combination of the treatment meted out to Mr Ali Yare during interrogations, the poor conditions at the facility, and, possibly, other factors,[359] Mr Ali Yare eventually collapsed and lost consciousness and was taken to Deva Hospital in Mogadishu. While hospitalized Mr Ali Yare was told he was being treated for kidney problems, malnutrition and a stomach ulcer.[360] He was kept under guard in the hospital in the custody of a senior regional NISA official, Abdelqadir Hassan Omar Geleh. Eventually Mr Ali Yare's friends and family lodged a *habeas corpus* application before the Supreme Court which ultimately ordered his release on 19 July 2015.[361] The decision of the Court noted that Mr Ali Yare had been in detention since 11 June, had not been charged with a crime, had been refused access to his family or a lawyer and had not been properly brought before a court for a review of his detention. He was released the following day. Approximately nine hours subsequent to Mr Ali Yare's release, Mr Geleh, the Hodan district NISA official who had been assigned to guard him in hospital, was killed by NISA personnel—including one of the officials engaged in Mr Ali Yare's 25 May arrest and detention—allegedly further to his refusing an order.[362]

28. Further to his release, Mr Ali Yare remained under a number of restrictions, including travel, issued by the President in an informal directive until this was re-negotiated on 22 September 2015.

Publically available information

29. In late May 2016 a video was widely circulated on Somali social media which purported to be footage taken of two officials of the Mogadishu based NISA interrogating Hussein Hirsi, an official of the Yaqshid district administration, on his links with Al-Shabaab and a named businessman.[363] The NISA officers are shown beating and insulting the prisoner in what appears to be a "safe house", an unofficial detention facility. One of the senior officers is heard saying to Mr Hirsi: "if you refuse to tell what we want from you, your life is not more valuable than others we kill every day." The SEMG has identified the two principal officials visible in the video: it is understood that one individual was placed under house

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[356] See S/2015/801, annex 1.1 for an overview of this process. Mr Ali Yare told the SEMG that his close political affiliation with Ahl al-Sunna wal-Jama'a (ASWJ) was also a point of contention.

[357] Photographs purportedly taken from inside Mr Ali Yare's home during the incursion arrived show, show unmarked vehicles bearing the NISA logo with uniformed personnel manning mounted weaponry. Photographs on file with the Monitoring Group.

[358] The Supreme Court order of 19 July 2016 however noted that Mr Ali Yare had never been brought before a court.

[359] Mr Ali Yare states that he is not sure whether something was introduced into a drink which he was given a couple of hours prior to his collapse

[360] Mr Ali Yare states that he requested a copy of his medical records from the hospital after his release but this was refused. Deva Hospital was closed by the government at the end of July further to the political fallout from the Turkish coup. See, *inter alia*, Shabelle News, "Troops cordoned off Deva hospital linked to failed Turkish coup", 20 July 2016. Available at http://www.shabellenews.com/2016/07/troops-cordoned-off-deva-hospital-linked-to-failed-turkish-coup/

[361] Copy of Supreme Court order on file with the Monitoring Group

[362] During the hearing at the Supreme Court there had been contradictions in the account given by the state on the length of Mr Ali Yare's detention and Mr Geleh had been called into the chamber to clarify. He confirmed that the period of hospitalisation had been under strict guard, with the authorities assuming responsibility for the fees.

[363] Available from https://www.youtube.com/watch?v=7sMcmxf9XIo

arrest for a period of time but is now back in a senior position in NISA[364] the other has sought asylum in a European state. Later a video statement from Abdikamil Shukri Moallim, a spokesman of Ministry of Security, was circulated on social media where he indicates that reforms have been made following the release of the footage and that the government formed an independent committee aimed to investigate these allegations against NISA.[365] The SEMG requested information from the FGS about this committee and steps taken to address the allegations embodied in the video but did not receive a reply.

30. On 5 February 2016 Somali National TV carried a program containing a series of interviews and confessions with Hassan Hanafi Haji, a former journalist for the Al-Shabaab Radio Andalus, who was later convicted of killing five journalists between 2007 and 2009 by a military court in March 2016.[366] In a subsequent interview, Hanafi claimed he had been tortured during his interrogation, including through suffocation, use of hooding with plastic bags and stress positions, electric prods, beating and use of water, including forms of torture and ill-treatment specifically described by three of those interviewed in detail by the SEMG. The interview appears to have been conducted by phone by an interviewer with a pro-Al-Shabaab bias, and posted on 7 April 2016 just three days prior to Mr Hanafi's execution.[367]

Conclusions

31. As set out above, consistent and credible testimony was proffered to the SEMG by former detainees which indicated patterns in the nature, circumstances and perpetrators of the use of torture and inhuman and degrading treatment or punishment in NISA detention. It is clear that these incidents were not isolated but part of an accepted practice, including as condoned and directed by those with senior political command. Particular names arose repeatedly in the accounts received by the SEMG, including of individuals who directly carried out the prohibited conduct, ordered the conduct, or were in a position to prevent the conduct.[368] The fact that a number of NISA officers, themselves ex-members of Al-Shabaab or groups formerly associated with the origins of Al-Shabaab, are permitted to engage in interrogations of civilians is extremely problematic.[369]

32. The misuse of detainees in security detention, whether in pursuit of political ends or to settle private and business scores, not only amounts to a violation of human rights and of the sanctions regime: it also undermines the capacity of NISA to do its vital job, dissipating resources in misuse of authority. Those interviewed by the SEMG were arrested multiple times, in operations which involved large numbers of officers and assets of the force. Further, Al-Shabaab is also quick to use allegations of torture in detention by security forces to enhance its propaganda: after its 31 August 2014 attack on Godka Jillicow Al-Shabaab Wali for Benadir, Sheikh Ali Hussien (Ali Jabel) stated that the group had attacked the centre as "Muslims have been tortured and punished there".[370]

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[364] Phone interview with a Somali journalist, 18 August 2016. The same official featured prominently in a number of the cases reviewed by the SEMG.

[365] The video which was original posted at https://www.youtube.com/watch?v=7sMcmxf9Xlo, and which the SEMG initially reviewed, had been removed at time of writing on 13 September 2016.

[366] The program was posted at https://www.youtube.com/watch?v=xydjJ-FXL7Q. He was interviewed by Abdiaziz Abdiaziz Mohamud Guled (Afrika), a NISA operative who plays a media role. Mr Afirka has been implicated in a number of previous human rights violations documented by the SEMG, including allegations of sexual violence against a fellow journalist.

[367] Video of the interview was posted at https://www.youtube.com/watch?v=bV3iAVIDaRs. The video was uploaded on 7 April 2016. It is not unusual for detainees to be able to access telephones during their incarceration. He also claimed that Zakariya, the former head of Al-Shabaab's *Amniyat* unit, conducted some of the interrogations.

[368] The SEMG will share names, and information on the allegations, to the extent agreed with the victims, with relevant authorities.

[369] In at least two of the cases assessed by the SEMG the interrogator made reference to his previous connection with Al-Shabaab and Al-Shabaab related groups in an attempt to intimidate.

[370] Somalimemo, Dhageyso: Sheekh Cali Jabal oo Shir Jaraa'id Ku Faah Faahiyay Howlgalkii Godka Jilacoow Muqdisho (At a press conference Sheikh Ali Jabala releases further information about the operation on Godka Jilacow Mogadishu, informal SEMG translation), 31 August 2014, available at http://somalimemo.net/articles/835/DhageysoSheekh-Cali-Jabal-oo-Shir-Jaraaid-Ku-Faah-Faahiyay-Howlgalkii-Godka-Jilacoow-Muqdisho

33. It is encouraging that two of those interviewed suggested that overall, treatment in security detention—and the Central Prison, under a new prison commander—had improved. One of the interviewees described how his detention in 2015, for example, involved less severe treatment than in 2014. With the greater secrecy surrounding the use of 'safe houses' since 2014, however, it was not possible to make assessments about these facilities.[371] Since June a new leadership at NISA, including a new Director and Deputy Director has indicated that they have instituted reforms, including human rights training for officers and the setting up of a department within the agency to deal with human rights and legal issues.[372] Nevertheless, as this report was being prepared, a new case of detention of civilians by NISA—of researchers at a policy institute, the Mogadishu Institute of Research and Studies—came to light. They were held for over six weeks both in NISA detention and subsequently at the Central prison, without charge or access to lawyers.[373]

Measures to enhance compliance

34. In resolution 2244 (2015) the Council called upon the FGS to enhance civilian oversight of its security forces, in particular through investigation and prosecuting individuals responsible for violations of international humanitarian law. Later in July 2016, in resolution 2297 (2016) the Council encouraged the FGS to pass legislation aimed at protecting human rights and ensuring investigations and prosecutions of perpetrators of crimes involving violations of international humanitarian law and human rights violations and abuses (paragraph 38). Although there were a small number of prosecutions of lower ranked members of the FGS security forces during the mandate, commanders associated with repeated allegations of serious violations of international law were not investigated.

35. The Council has also noted the importance of the Secretary-General's Human Rights and Due Diligence Policy (UNHRDDP) in relation to the support provided by the UN to the SNA (resolution 2244 (2015), paragraph 11). During the mandate UNSOM human rights conducted a General Risk Assessment of the Somali National Army which the UN HRDDP Task Force has submitted to the SRSG for approval.

36. The SEMG requests that the Council urge the FGS to:

- Implement the recommendations to its security forces formulated within the framework of the UNHRDDP[374];
- undertake effective investigations for violations of international humanitarian and human rights law, particularly with respect to those in command responsibility and in decision-making positions[375];
- establish a legal framework to govern the operation of NISA and ensure that those who abuse their powers and commit violations of international law are investigated and prosecuted;
- recognise the need to build security through enhancing the legitimacy of Somalia's security forces and in this regard to consider the feasibility of establishing an independent complaint handling (from members of the security forces) and investigation mechanism (adjudication of complaints from members of the public).

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[371] Interviews with the five victims as noted above. Interview with former detainee, Nairobi, 16 June 2016. See also discussion above of a video publically circulated of an interrogation in a "safe hourse".

[372] Phone interview with senior NISA official, 13 September 2016. The Director of NISA from May 2013 was General Bashir Jama Mohamed. He was followed in July 2014 by Abdullahi M. Ali "Sanboloshe" and later the same year by Col. Abdirahman Mohamed Turyare. Colonel Turyare was dismissed by Presidential Declaration in June 2016 and succeeded by General Abudllahi Gaafow Mohamed, the former long term Head of Immigration.

[373] The five men were arrested by NISA on 21 July 2016 and held without charge or access to lawyers. They were brought briefly before a military court to "answer questions" on 15 August 2016 but then detained for an additional three weeks at the Central Prison until 6 September 2016. Human Rights Watch, "Five Wrongfully Detained in Somalia Now Free, Intelligence Agency Held Policy Center Staff for Nearly a Month", 13 September 2016 available at https://www.hrw.org/news/2016/09/13/five-wrongfully-detained-somalia-now-free. As recently as 18 August 2016 the offices of Radio Shabelle were once again stormed by NISA troops and two journalists arrested.

[374] States giving direct or indirect assistance to Somali security forces might also tailor their support to the measures identified.

[375] The Minister of Defense informed the SEMG that a committee had been assigned to investigate the "fighting in K50"—presumably as reported by the SEMG in 2013 (S/2014/747, annex 3.2)—and that it had been decided that the Ministry of Security would deal with the issue. Letter from Minister of Defense to the SEMG, 5 September 2016 (informal translation by the SEMG from Somali).

Annex 7.4: Violations committed by regional security forces against civilians during inter-regional conflicts[376]

37. As election cycles in Somaliland and at Federal level got underway during the mandate, contestation over the division of power within the federal architecture turned violent, with civilians sometimes bearing the brunt of manoeuvring by the elite through unlawful use of force. Civilians were harmed, for example, in the context of the effort to support the creation of 'Upper Bakool State',[377] fighting in Sool and Sanaag throughout the mandate, and conflict in Galkayo in December 2015.

Sool and Sanaag

38. In Sool and Sanaag the long-running conflict between local militia, the forces of the self-declared 'Khatumo' state and the forces of Somaliland and Puntland in various combinations escalated during the mandate. Already buffeted by a severe drought and sustained exclusion from humanitarian and development resources by both administrations, the people of Sool and Sanaag saw weapons and armed personnel flow into the region, particularly as Somaliland voter registration got underway. Although the majority of those killed were armed personnel, there were civilian deaths in the course of violent encounters between the forces, and between forces and a restive public, in addition to allegations of an indirect campaign of assassinations, unlawful arrests and abductions.[378] On 18 May 2016, live bullets fired by Somaliland forces at protestors participating in a demonstration in Lasanod against the Somaliland 25th Independence Day celebrations, for example, killed one and injured a second person.[379] In August 2016 the political situation began to evolve further to enhanced negotiations between Khatumo leader Ali Khalif and Somaliland, vigorously encouraged by the new Minister of the Presidency, Mohamed Hashi[380]. Nevertheless in early September 2016, against the background of heavy-handed efforts to promote voter registration, demonstrators in Lasanod protested a number of assassinations in the the town, attributed to both Al-Shabaab and the Somaliland authorities.[381]

Galkayo, November/December 2015

39. The fault lines between communities in North and South Galkayo and between the Puntland Administration and authorities in Adado deepened in 2015 with the creation of the Interim Galmudug Administration (IGA) along contested borders.[382] Open conflict erupted in late November and early December 2015, pitting the forces of the IGA Administration and its allied militia, against Puntland forces and its allied militia.[383] The immediate cause of the first clashes on 22 November 2015 was a dispute over construction of a road in Garsoor in Galkayo (North) which passed through part of

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[376] In terms of state obligations under international human rights law which apply to violent encounters which do not rise to the level of an armed conflict, Somalia is a party, *inter alia*, to the 1966 Convents on Civil and Political Rights and Economic, Social and Cultural Rights; the 1981 African Charter on Human and Peoples Rights and the 1984 Convention Against Torture. The standards set out in common article 3 of the Geneva Conventions are also widely accepted as constituting fundamental guarantees which apply outside the context of an armed conflict.

[377] 'Upper Bakool state' (comprising Yeed, Ato, Ceel Barde) was declared on 25 December, primarily supported by the Aulihan (Ogaden/Darod) community under the leadership of Ahmed Sheikh Mohamed "Mashruuc", and with the support of elements of the Ethiopian authorities. The 'state' was immediately recognized by Puntland.

[378] On 28 July, for example, Abdirisaaq Ahmed Warsame (Dhabayaco), a prominent businessman from La Anod was attacked and severely wounded shortly after he had supported journalists to report on resistance to voter registration in Awrbogays. Phone interviews with relative of Dhabayaco, July and August 2016.

[379] ACLED data set, 18 May 2016.

[380] As a show of good faith, for example, the army chief was replaced, and a Dhulbahante appointed to the Ministry of Interior with responsibility for the security apparatus.

[381] Email from relative of members of the community in Las Anod, 5 September 2016.

[382] The SEMG has described the process leading to the creation of the Interim Galmudug Administration S/2108/801, annex 1.1.

[383] Allegations that FGS forces supported IGA forces and that there was a delivery of weaponry prior to the fighting could not be confirmed. See, for example, Garowe Online, "Somalia: Federal Govt delivers arms consignment to Galmudug", 27 November 2015. Available at http://www.garoweonline.com/en/news/puntland/somalia-federal-govt-delivers-arms-consignment-to-galmudug-report.

a disputed area claimed by Galkayo (South).[384] The second phase of the conflict flared on 28 November 2015 when heavy weapons were used against civilian areas by both sides.[385] Amidst intense international engagement and the mediation of Prime Minister Sharmarke, an agreement was finally reached between the parties on 2 December 2015.[386] On the following day, however, heavy fighting started again.[387] A second truce was agreed on 5 December 2015.

40. Over 30 to 40 people were killed in the fighting as a whole and between100 and 150 people injured.[388] The majority of the town's population (c. 90,000)—from both sides—was temporarily displaced, including over 40,000 IDPs who had taken refuge in the town.[389] Homes and businesses were destroyed.[390] Women were raped as they fled to safety.[391] During the fighting an ambulance was attacked, two men and one woman who were in the vehicle were killed and the vehicle completely destroyed.[392] The SEMG was unable to ascertain precise figures for civilian deaths during the conflict with various official authorities and other sources providing different accounts from 9 to 30 civilians killed. The UN verified 11 civilian deaths during the two phases of the fighting.[393]

41. Multiple accounts of the conflict, from government officials (including some who openly acknowledged the culpability of their own side), civilians and NGO staff confirm that both sides in the conflict targeted civilians and civilian areas, including using heavy weapons. In a joint statement on 3 December key members of the international community declared that they would "not tolerate impunity and the continued needless killing of innocent civilians." They added that "[t]hose found to be responsible […] and the killing and displacement of civilians must be held accountable" and that "[a]ny deliberate shelling of civilian areas of Gaalkacyo may constitute crimes against humanity that must be fully investigated and vigorously prosecuted." No prosecutions have, however, taken place.

42. The ceasefire has held, notwithstanding sporadic outbreaks of fighting. Nevertheless significant tensions remain, including as a result of the intensification of attacks by Al-Shabaab on Galkayo (North) since June 2016.[394]At the end of August 2016 in the wake of an Al-Shabaab attack on government buildings and a market in Galkayo (North) which killed 20 and injured over 40, Puntland authorities imposed restrictions on vehicle movement from, inter alia, Galkayo (South).[395]

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[384] Some of violence appeared to have been calculated to consolidate support from reluctant allies within the respective administrations.

[385] Interview with Puntland government officials. Garowe 23 February 2016 and Galkayo, 8 April 2016.

[386] Interview with UN staff member, Garowe, 22 February 2016.

[387] See https://unsom.unmissions.org/international-community-condemns-renewed-outbreak-fighting-gaalkacyo.

[388] Interviews with NGO and UN staff and local authorities in both Galkayo (North) and Galkayo (South), 5 to 9 April. 2016. One senior local authority official suggested that only 2 or 3 civilians were among a total death toll of 27 on the Galkayo (North) side of the town. Human Rights Watch (HRW) reported the deaths of 9 civilians. HRW, "Dispatches: Don't Forget Somalia's Civilians", 14 December 2016. Available at https://www.hrw.org/news/2015/12/14/dispatches-dont-forget-somalias-civilians

[389] Most UN agencies and INGOs also suspended their operations and relocated to Garowe. The majority of the population had returned to the town by the end of December. See UNOCHA, "Somalia, Flash Update, Humanitarian Impact of Fighting in Galkayo", 24 December 2016. Available from http://reliefweb.int/sites/reliefweb.int/files/resources/Gaalkacyo%20Flash%20update%2024%20December%202015.pdf

[390] Interview with individual whose home was damaged, Galkayo, 5 April 2016. See Ceelhuur, 3 December 2016, at http://ceelhuur.net/?p=26218, for pictures of some of the damage to buildings in Galkayo (North); See also, Puntland Research Development Centre. "Galkayo Conflict: a local issue of a national apprehension", December 2015, on file with the Monitoring Group.

[391] The Monitoring Group was told by a medical professional that six women were treated for injuries caused by being subject to sexual violence during the conflict. These accounts were strongly contested by local officials. Interview with NGO staff member, Nairobi, 10 April 2016.

[392] Interviews with individuals with direct knowledge of the incident, Galkayo, 7 and 8 April 2016. The burning out of the ambulance is depicted in the following video, as verified by individuals present in Galkayo on the day of the incident: https://www.youtube.com/watch?v=q26T7rpS2_s.

[393] Email from UN staff member, 6 September 2016.

[394] See, for example, Shabelle News, "Galmudug and Puntland trade blame over insecurity", 19 June 2016. Available at http://www.shabellenews.com/2016/06/galmudug-and-puntland-trade-blame-over-galkayo-insecurity/

[395] See, Garowe Online, "Somalia: Puntland government imposes restrictions on road travel", 9 September 2016. Available from http://www.garoweonline.com/en/news/puntland/somalia-puntland-government-imposes-restrictions-on-road-travel.

43. The call for accountability of regional authorities and forces and reference to the potential commission of crimes against humanity by elements of the international community in the Galkayo conflict—the first of its kind—was a factor of the relatively matched strength of the parties and their prime place in the Somalia power structure. Nevertheless, no one has been held accountable. Further, where regional forces abuse their power and attack weak opponents, such as local clan militia, condemnation must be equally swift.[396]

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[396] See discussion in annex 7.5 on the deployment of FGS and regional forces into clan conflicts.

Annex 7.5: Clan conflict leveraged by the Somali National Army (SNA), regional forces, and Al-Shabaab

44. Insecurity and fragmented authority created fertile ground for inter-clan conflicts, often manipulated or supported for political ends, directly or indirectly by international, Federal or regional security forces—or by Al-Shabaab, including in Galgadud,[397] Hiran, Sool and Sanaag, and Lower Shabelle.

- In October and December 2015 and January a series of clashes between Gaaljal and Jajele militia in and around Belet Weyne resulted in up to 40 deaths, and as many wounded, primarily combatants but including some civilians. In May 2016 fighting again broke out between the militia, this time in the middle of the town. The toll on civilians was exacerbated by severe flooding of the Shabelle river: as many as 40 people were killed and over 6500 displaced.[398] The UN assessed that there were at least 14 civilian deaths as a result of the clan clashes as a whole during the period.[399] Although not directly related to the state formation process, the conflict entwined with both the national and regional political dynamic, as Al-Shabaab and international forces weighed in on different sides.
- Reflecting elements of the context and protagonists of the killing of civilians by Puntland forces in Taleh in November 2013,[400] clan conflict in Qoriley in Sool between the Dhulbahante/Baharsame and Majeerteen/Omar Mohamud in late September saw the involvement of the security forces of the Puntland administration, including personnel from the Presidential Guard and Puntland Marine Police Force (PMPF) [401]—and deepened the impact of the violence.[402] Temporary resolution of the conflict was eventually negotiated with the help of the broader Darod community, and by deployment of the Ethiopian region 5 police (the Liyiu police) as guarantors of security. Agreement on attribution of responsibility and payment of compensation for the killing of civilians was complicated by the involvement of regional forces: it is understood that the Omar Mahmoud rejected liability referring the issue to the Puntland government—Darod elders however considered the Omar Mahmoud clan link with the President of Puntland as determinative.[403]

Lower Shabelle[404]

45. In Lower Shabelle civilians were often the victims of attacks within the long-running conflict between Haber Gedir and Biimaal militia.[405] Although militia on all sides attacked civilians (killing, sexual and gender-based violence[406]),

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[397] In late October 2015, for example, there were clashes between Haber Gidir sub-clans north of Dhusamareb. On 1 August clashes between Ayr and Murusdae militia in Ximaced in Galgudud over a land dispute reportedly resulted in the death of twelve people. Email from UN staff member, 2 August 2016.

[398] UN Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin, 30 May 2016. Over 70,000 people were displaced in May as a whole as a result of both the severe flooding and the conflict.

[399] Email from UN staff member, 7 September 2016.

[400] S/2014/747, annex 8.2. The SEMG's detailed investigation into this attack determined that the officially constituted forces which participated in the attack on Taleh in 2013 included elements of the Puntland Maritime Police Force (PMPF), the Presidential Guard, the Puntland security forces or Darawish, and various militia, in particular those associated with Ahmed Karash, the current Puntland Minister of the Interior.

[401] See annex 8.3 for a discussion of international support for the PMPF.

[402] Interview with NGO staff member, Galkayo 10 April 2016; emails from relatives of members of the community, 8 and 10 August 2016; interviews conducted with representative of Khatumo 'state' in diaspora, Geneva, 20 and 21 May 2016.

[403] Interview conducted with local traditional leader on behalf of the Monitoring Group, 9 August 2016.

[404] Unless otherwise noted, this account of elements of the conflict cycle in Lower Shabelle is based on reliable UN and NGO sources, information provided by independent security sources, reviewed throughout the mandate, and interviews with elders and members of communities in Lower Shabelle, in Mogadishu, Nairobi, London, Oslo and the United States, in person and by phone.

[405] See, *inter alia*, reports of the SEMG, /2015/801, annex 6.1 and S/2014/747, annex 3.2

[406] The SEMG particularly received reports of rape by Haber Gedir and Murosade militia between Marerey and Afgoye in May 2016, including, it was claimed as many young men had run away to avoid recruitment by Al-Shabaab. Interviews with members of the Biimaal community, Kenya, 2 June 2016.

Haber Gedir militia were regularly supported by personnel and assets of the SNA, resulting in a disproportionate impact on civilians from Bantu, Biimaal, Galedi, Rahenweyne and other communities. Al-Shabaab played an opportunistic and complicating role, offering and soliciting support from both sides while also, sporadically, acting as peace negotiator.

46. Against this background, it was often difficult to identify the perpetrator of civilian harm. Members of the SNA played multiple roles, soldier of the state, clan militia, checkpoint extortionist, or, on some occasions, Al-Shabaab facilitator or fighter,[407] depending on clan exigencies.[408] The situation was further complicated by the failure to pay salaries and increasing tensions between the Abgaal and Haber Gedir elements of the SNA against the background of national level inter-clan tensions around political power sharing. This resulted in Haber Gedir elements of the SNA on occasion making a show of strength—through withdrawal of support to the FGS—in order to demonstrate the weakness of the anti-Al-Shabaab effort, absent their cooperation.[409]

47. Biimaal militia were perceived as aligned with Al-Shabaab fighters in some areas,[410]—but in the majority of situations, were closely supported by, and in turn supported, AMISOM forces. The Biimaal have increasingly turned to AMISOM as a counterweight to the rising fortunes of the Haber Gedir.[411] Biimaal and allied clan militia also mounted roadblocks and extorted civilians.

48. The alignment of Federal security forces on the Haber Gedir side of this conflict rendered resolution efforts extremely difficult. It also encouraged Al-Shabaab to present itself as a viable alternative authority with the capacity to enforce law and order.[412] One local elder, for example, described how "Gobale's militia have been entering homes and raping militia" in Afgoye.[413] His reference to one of the most senior SNA Brigadier Generals as commanding "militia" reflects how forces are perceived on the ground. In this context, one source of the SEMG described how two Bantu farmers of his acquaintance near Janale decided to declare support for Al-Shabaab in order to "get justice" and hold on to their farms.[414]

49. Tackling the root causes of the conflict in Lower Shabelle is therefore a prerequisite to addressing the challenge of Al-Shabaab in Somalia.[415] The expansion of Al-Shabaab's territorial control during early 2016 and the compromise of AMISOM and SNA operations, reflects the extent to which inter-clan conflict and national level political manoeuvring around control of resources in Lower Shabelle have become fatally intertwined the dynamics of the Al-Shabaab conflict.[416] The repeated transfer of control of Marka and of locations in Lower Shabelle between pro-Al-Shabaab and

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[407] That security forces moonlighted as 'Al-Shabaab' to conduct operations for financial gain was also reported in Bay. Interview with individual with knowledge of the security sector, Baidoa, 3 March 2016.

[408] See S/2015/801, annex 6.1 where the SEMG reported on a series of attacks on civilians in Qoryoley district—in particular on the villages of Buulo Sheikh, Hadoman and Farhano—in early January, February and March 2015, by a combination of SNA personnel (with SNA assets), clan militia and elements of Al-Shabaab. During the mandate the SEMG also heard allegations relating to SNA personnel facilitation of Al-Shabaab operations in Lower Shabelle, particularly in Marka, but was unable to verify.

[409] Oscillating FGS control of Marka was a factor of this grandstanding.

[410] At the same time, in late 2015, there was a series of clashes between Biimaal and Al-Shabaab fighters around Janale as Biimaal militia were pushed out of Marka and into areas controlled by the latter.

[411] On the role Bantu and Biimaal milita played in support of AMISOM in 2015 see S/2015/810, annex 6.1.1.

[412] As noted in previous SEMG reports, most of the SNA in Lower Shabelle come from a single clan, the Hawiye, and particularly the Haber Gedir and Abgaal sub-clans. See also, Ken Menkhaus, "Non-State Security Providers and Political Formation in Somalia", April 2016.

[413] Interview with Biimaal *Bantu* elder, Nairobi, 19 February 2016.

[414] Interview with individual recently returned from a visit to Janale, Nairobi, 16 February 2016. General Gobale was killed in a suspected Al-Shabaab attack on his convoy on 18 September 2016. Hiiran News, "Somali General, 7 bodyguards killed in bomb attack on the capital", 18 September 2016 available at http://www.hiiraan.com/news4/2016/Sept/117729/somali_general_7_bodyguards_killed_in_car_bomb_attack_in_the_capital.aspx

[415] There have been multiple attempts to secure agreement between the clans, including most recently under the auspices of the ISWA authority. None has borne fruit. Interview with officials of the ISWA administration, Baidoa, 2 March 2016.

[416] Between June 2015 and January 2016, for example, AMISOM and SNA withdrew from their bases in Aw Dheegle, Ceel Haji, Janale, Kurtunwaarey, Tortoorow and Wareer Maleh. See annex 2.1 for a list of SNA withdrawals related to payment issues.

anti-Al-Shabaab forces—and forces with mixed allegiance—during early February and July/August, accompanied by attacks on and displacement of civilians, exposed the vulnerability of the population.[417]

50. Civilians are caught in a violent web of impunity in Lower Shabelle in which they often become political tools of the warring parties. The killing of six small children and their grandmother near Marka encapsulates many of these paralysing dynamics.

Killing of six children and their grandmother at Essow, Marka Lower Shabelle

On 18 April 2016 at Essow village southwest of Marka seven members of one family, an elderly woman Khadija Noor Mohammed and her six grandchildren (aged eight, six, four, three and three years old and a baby of four months) were shot dead and then burned in their home.[418] The SEMG interviewed members of the family, two of whom survived the incident by hiding in the surrounding bush. Other neighbours had fled when the community received a telephone warning that militia were approaching the hamlet. The relatives described how the mother of the five children had grabbed her eldest son (13) at the advance of the militia and fled, trusting that the smaller children and elderly grandmother would not be harmed. Later she and her neighbours reportedly heard Grandmother Khadija cry out and name her attacker: Nur Awale, the son of a prominent elder, and leader of a unit of Haber Gedir (Saleban) militia based at Shalmabot.[419] Seven homes in the hamlet were burned and the animals shot after which the militia departed, stealing maize, clothes and money they had found. Members of the community asserted that the action would not have occurred without sanction of the local SNA Commander Nur Jiddow with whom Nur Awale's militia were frequently co-located.

Shortly after the killings Al-Shabaab officials arrived at the scene and collected bullet casings. The also took pictures of the bodies and of the funeral ceremony. Later Al-Shabaab arrested four of those alleged to have participated in burning down the homes, but they were ultimately released without charge further to clan pressure.[420] In the days following the killings a series of revenge attacks and clashes between Haber Gedir and Biimaal militia ensued. Seven people were killed, including children. The-then Al-Shabaab Governor of Lower Shabelle, Mohamed Abu Abdalla, subsequently organized a reconciliation conference between the parties which ended with an 'agreement' in Janale on 28 April 2016.[421] Meanwhile no investigations into the incident were conducted by Federal or regional or local authorities.[422] Both Biimaal elders living in Somalia and abroad reported receiving threats from members of the Haber Gedir community further to their speaking out about the case.[423]

Measures to enhance compliance

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[417] See, BBC News, Al-Shabab 'retakes' key Somalia port city of Merca, 5 February 2016. Available from http://www.bbc.com/news/world-africa-35502016; see, Shabelle News, "Governor: troops' pull out of Marka was a 'tactical'",12 July 2016 at http://www.shabellenews.com/2016/07/govt-troops-pull-out-of-marka-was-a-tactical-says-governor/. Throughout July there were conflicting accounts of who controlled the town. See, for example, Somali Newsroom, "AMISOM and Al-Shabaab Fight For Control Of Somali Town... in Social Media", 31 July 2016, available at https://somalianewsroom.com/2016/07/31/amisom-and-al-shabaab-fight-for-control-of-somali-town-in-social-media/

[418] The names of the six children were Farhiya Sheikh Abdikadir Ga'al, Naima Sheikh Abdikadir Ga'al, Ahmed Abdikadir Ga'al, Mulki Abdikadir Ga'al, Muzamil Abdikadir Ga'al and Noor Abdi Osman.

[419] Phone interview with uncle and mother of the deceased children, 29 April 2016.

[420] Interview with Biimaal elder, location in Europe, 2 June 2016; and follow up phone interview 13 September 2016. Similar incidents were documented in Galgadud: in Ximacade on 1 August, for example, Al-Shabaab reportedly entered the village and confiscated small arms from local militia (Murursdae and Ayr) after clashes in previous days. Email from UN staff member, 2 August 2016.

[421] The agreement did not hold and Abdalla was swiftly removed from this position and replaced in early May by Mohamed Abu Usama.

[422] The SEMG ensured that the surviving family members were linked with appropriate UN agencies with a protection mandate.

[423] Phone interview with Biimaal elder, location in Europe, 13 September 2016.

51. Pursing accountability for individual violations and addressing command and control within FGS forces—addressed below in annex 7.3—is vital but insufficient: the current composition of the SNA, particularly in the Shabelles, not just creates a sense of occupation for many in the local community, but constitutes, in all the circumstances, a threat to peace and security.[424] There have been repeated efforts to expand the composition of forces but all have been blocked at the highest political level. On 26 October 2015 the Commander of the SNA directed, for example, that local community defense forces belonging to the Biimaal community at K50 should be integrated into the SNA.[425] Almost a year later this has not occurred.

52. As the international community expands its support beyond FGS security forces to regional forces not coming within the FGS force structure, the SEMG urges that those in political and military command at the regional level be held accountable for violations against civilians. This might also take the form also of imposition of support conditionalities, including to prevent assets and assistance provided by the international community to such forces being misused in violation of international law.

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[424] Interviews with regional government ministers, members of parliament, Mogadishu, Baidoa and Nairobi, March 2016. See also this report section II B.

[425] Email member of parliament to the SEMG, 23 March 2016; interviews with military sources with knowledge of the security sector, 16 March 2016.

Annex 7.6: Violations committed against civilians by international forces

53. In 2015 the SEMG noted the increasing scale of engagement of international forces in Somalia, including forces which appeared to operate outside the AMISOM Concept of Operations.[426] Against a background of intensified attacks by Al-Shabaab on both civilian and military targets, international forces during the mandate committed violations involving the targeting of civilians, both in the course of ground attacks and as a result of the use of aerial weaponry.[427] Between 1 September 2015 and 31 May 2016, for example, the UN documented and verified the deaths of 56 civilians in which international forces were implicated.[428]

Ground attacks and targeting of civilians in the course of the conflict against Al-Shabaab

54. There were a range of incidents in which AMISOM was accused of killing civilians, whether through the indiscriminate and/or disproportionate use of force in response to an attack on their forces, or the commission of deliberate acts of retaliation or punishment.[429] Two were the subject of public acknowledgement by AMISOM.

55. On 16 April 2016 four civilians (a grandmother, her son, her grand-daughter and a businessman) were killed when AMISOM forces shot at a mini-bus carrying passengers at a checkpoint near Bula Marer. AMISOM acknowledged the deaths in a public statement and announced that a Board of Enquiry would be set up to investigate the incident.).[430] Coming in the wake of an engagement between AMISOM and Al-Shabaab in Golweyne the previous day in which AMISOM had sustained casualties, the killings were perceived by some in the community as 'revenge' for the losses, and demonstrations were mounted.[431] Further to an official query from the SEMG, AMISOM advised that a Board of Enquiry had determined that in the context of a cordon and search operation a vehicle had breached the outer perimeter and then approached the inner cordon at speed. Further to warning shots AMISOM personnel had fired on the vehicle.[432]

56. On 17 July 2016 Ethiopian troops fired on a group of men who had gathered to pray over an elderly man who was ill in a house on the outskirts of Wardinle in Bay region, killing 14 and wounding three others.[433] The men were all from the locality: sheikhs, elders, teachers and relatives of the sick man.[434] On 19 July 2016 the SSRC announced that he was undertaking an investigation, in consultation with the relevant FGS government institutions.[435]

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[426] S/2015/801, annex 5.1, paragraph 14.

[427] See annex 7.7 on civilian harm and the use of aerial weaponry.

[428] Twenty-five by AMISOM and 29 by forces acting bilaterally. Secretary General, Report of the Secretary General on Somalia S/2016/27, 8 January 2016; Secretary General, Report of the Secretary General on Somalia, S/2016/430, 9 May 2016.

[429] On 1 December 2015, for example, a RCIED was detonated near Golweyne village destroying an AMISOM oil tanker. It was reported that AMISOM captured and killed three civilian bystanders. Email NGO staff member, 2 December 2015. In response to SEMG enquiries AMISOM advised that after the attack a gun battle in which Al-Shabaab militants were killed ensued but that they had no reports of civilian casualties. On 23 July 2016, further to an IED attack against an AMISOM convoy in Waregow, it was reported that AMISOM troops fired into the crowd, killing at least two civilians. Email UN staff member, 23 July 2016. Further to SEMG enquires AMISOM advised that they were not aware of the incident. Letter from the SSRC Ambassador Franciso Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016.

[430] See, AMISOM, Press Release (PR/017/2016), AMISOM regrets the loss of civilian lives in Bula Marer, 16 April 2016. AMISOM said it would work closely with the FGS and the Interim South-West Administration (ISWA), and involve the AMISOM Civilian Casualty Tracing, Analysis and Response Cell (CCTARC). There were also discussions of the incident in the ISWA parliament.

[431] The local community told the SEMG that the four were civilians, a grandmother (aged 60), her son (Abdiwahid), and her grand-daugher (12)—all Haber Gedir—alongside Mohamud Macalin a Galje'el business man from Jarecy who was taking them to hospital. Interview with Biimaal elder and members of the community, Norway, 29 April 2016.

[432] Letter from the Ambassador Franciso Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016.

[433] Thirteen people died instantly at the scene and one person on his way to hospital.

[434] The Somali media website Radio Kulmiye published pictures of the shrouded bodies and the site of the alleged killing at http://radiokulmiye.net/index.php/2016/07/19/au-troops-kill-14-civilians-in-somalia-photos-and-names/

[435] See, press release, AMISOM (PR/031/2016), AMISOM investigates claims of civilian deaths in Wardinle, Bay

57. The SEMG heard a number of accounts from individuals who spoke to witnesses and talked to security sources. According to one account, prior to the shooting three Ethiopian troops accompanied by a Somali soldier, had approached the house and asked about the presence of any Al-Shabaab fighters in the vicinity. Shortly after that encounter the house was fired upon. Another account suggested that the ENDF unit had been ambushed on the road outside Wardinle, and subsequently returned to the village in hot pursuit of the attackers.[436] Human Rights Watch (HRW) conducted its own preliminary enquires, determining in mid-August that 14 civilians had been indiscriminately killed and that there had been no investigations into the incident.[437]

58. A local civil society group, the Southwest Salvation Council (SSC), issued a statement on 27 July 2016 condemning the killings and calling for an international investigation.[438] The ISWA administration also established a committee to enquire into the killings.[439] In September 2016 AMISOM advised the SEMG that ISWA had found that the elders had died as a result of bullets fired in a gun battle between AMISOM and Al-Shabaab, and in which an AMISOM soldier also died.[440] Nevertheless they stated that they had set up a Board of Enquiry to investigate the incident.

59. The SEMG received a number of credible reports during the mandate of unlawful detentions by Kenyan and Ethiopian forces, operating within or outside AMISOM, including transfer of individuals unlawfully outside the territory. In early 2016, 84 individuals were allegedly detained in a string of incidents, in the context of anti-Al-Shabaab operations by ENDF and Liyiu police forces and, it is understood, taken to Gode in Ethiopia.[441] Efforts to secure the release of the men by regional authorities have not borne fruit although the SEMG understands that discussions between the Ethiopian and regional authorities were ongoing in early September 2016. The SEMG also received credible reports of abductions by the Liyiu police and Ethiopian forces in Gedo and Bakool in June and July 2016, including around Rabdhure in Bakool, further to the transfer of authority in that area, but was not able to verify the individual instances.[442]

Ethiopian Liyiu police engagements outside the context of the anti-Al-Shabaab conflict[443]

60. In a similar pattern to that reported last year, the Liyiu police again participated in a number of conflicts during the mandate which involved attacks on civilians. Although the majority of the killings of civilians both this year and last took

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region, available at http://amisom-au.org/2016/07/amisom-investigates-claims-of-civilian-deaths-in-wardinle-bay-region/. It is noteworthy that unlike the press release issued in the wake of the Bulo Mareer killings, there was no reference to collaboration with the regional authorities or with CCTARC.

[436] Interview with individual with knowledge of security operations in Bay, Nairobi, 23 August 2016.

[437] The Human Rights Watch (HRW) assessment was based on interviewing 15 people, including seven survivors and witnesses present at the scene of the killings in addition to a number of individuals who had travelled to Wardinle shortly after the incident. Skype interview with HRW researcher, 31 August 2016. See also, HRW, Letter to Senator Kerry on trip to Kenya, Nigeria and Saudi Arabia., available at https://www.hrw.org/news/2016/08/19/letter-secretary-kerry-trip-kenya-nigeria-and-saudi-arabia.

[438] Southwest Salvation Council (SSC), Statement, "Condemnation of Mass Killing of Traditional Elders at Wardinle Village of Baidoa District of Bay Region – Somalia", 27 July 2016, available at http://www.baidoamedia.com/2016/07/27/condemnation-of-mass-killing-of-traditional-elders-at-wardinle-village-of-baidoa-district-of-bay-region-somalia/

[439] Email from regional official, 31 August 2016.

[440] Letter from the SSRC Ambassador Franciso Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016.

[441] In late January 2016, for example, it was reported that 20 local residents had been "arrested" from villages around Ato town by the Liyiu police during the period, allegedly for their expression of support for the ISWA state. See, Shabelle News, "Ethiopian troops arrest nearly 20 people in Somalia", 25 January 2016, available at http://allafrica.com/stories/201601270155.html; interview with regional official, August 2016.

[442] On 5 June 2016, for example, it was reported that Liyiu police killed two civilians and abducted two others from Kurteele village (southwest of Luq). ACLED dataset, 5 June 2016. Interview with individual with knowledge of Ethiopian border operations, Nairobi, 23 August 2016. Skype interview with expert on the regional context in Bakool, 14 September 2016.

[443] The Liyiu police is an Ethiopian paramilitary force based in the Somali Region of Ethiopia but frequently used in Ethiopian security operations in Somalia. During the mandate the Liyiu police occasionally assisted with the maintenance of law and order: in Qoriley in Sool, for example, Liyiu forces operated as an interposition force between warring clans, contributing to a diminution in the violence. See annex 7.5.

place on the Ethiopian side of the border, due to the fluid nature of the border, and the mobility of local communities and authorities, the impact of the violence was felt on the Somalia side, resulting in mobilisation of Somali clan militia and the Liyiu police in and out of respective territories. The disputes fuelling this activity related in the immediate context to access to water and land but have a longer-running inter-clan and resource conflict dimension, including in the light of the historical animosity between the Ogaden (who make up the majority of the the Liyiu police) and the Haber Gedir.

61. In 2015 the Monitoring Group had reported on large scale attacks by the Liyiu police on civilians in border villages, in particular Garsaale and La Ceel, in June 2015. These attacks were in retaliation for Haber Gedir milita attacks on a Liyiu police base as part of a longer running dispute.[444] On 23 April 2016 fighting between Liyiu police and Haber Gedir militia in and around Khandaale and Daadheer erupted causing significant casualties—up to 20 killed, including an estimated 14 civilians according to UN sources.[445] The fighting started on the Ethiopian side but reportedly spread up to 15km into Somalia, including involving the villages of Mir Cawleed and Furintifoole in the Galinsoor area of Adado district. On 3 May 2016 the Somali Region President Abdi Iley and the Interim Galmudug Administration President Guled signed a ceasefire agreement in Jijiga, including creating a joint committee to prevent future conflicts.[446]

Measures to enhance compliance

Somalia Country Specific Humanitarian Civil- Military Coordination Guidelines for Humanitarian Actors Engagement with the African Union Mission in Somalia (AMISOM)[447]

62. UNOCHA led efforts during the mandate to activate the mechanisms and principles set out in the Somalia Country Specific Humanitarian Civil-Military Coordination Guidelines for Humanitarian Actors Engagement with the African Union Mission in Somalia (AMISOM) (hereafter Civ-Mil Guidelines).[448] These efforts have borne fruit. In Belet Weyne, for example, engagement around the Civ-Mil Guidelines led to a reduction of tensions between AMISOM and the community in Belet Weyne. This enabled more effective cooperation on the humanitarian response to the May 2016 flooding and conflict. In line with the Guidelines AMISOM took the initiative to hand back a school which it had been using in Gedo to the community; the second was expected to be vacated prior to the publication of this report.[449]

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[444] S/2015/801, annex 6.1.

[445] Interview security expert with knowledge of the area, 26 April 2016.

[446] Interview with regional authorities conducted on behalf of the SEMG, Caddao, 15 to 16 August 2016. A further intense engagement occurred later in early June 2016 on the Ethiopian/Somaliland border when a dispute erupted in Gashamo district in Ethioipia between Somali/Isaaq/HaberYouis khat transporters (ultimately joined by local militia including personnel of the Somaliland army) and Ethiopian forces (federal police, customs) attempting to control a vehicle transporting contraband. A series of clashes and vehicle chases followed ending with an attack by the Liyiu police on the village of Jama Dubad. Although public reports suggested that as many as 42 people from the Reer Awl and Muse Are sub-clans of the Isaaq/Haber were killed, SEMG sources indicated that 27 were killed, including 20 armed men, and reportedly, 3 women and 4 children. A series of protests and arrests on both sides of the border ensued. ACLED dataset, 5 and 6 June; interview with individual with knowledge of Ethiopian border operations, Nairobi, 23 August 2016.

[447] The Civ-Mil Guidelines were adopted in September 2014 and reflect the humanitarian community's perspective on civilian military engagement with AMISOM and aimed to "to establish and promote principles and practice for constructive and effective civil-military engagement in this context." Draft on file with the Monitoring Group. The Guidelines are non-binding and reflect international policy guidance developed for the humanitarian community globally.

[448] Progress included: strengthening of the AMISOM civilian-military coordination infrastructure, conduct of joint regional meetings with AMISOM, local security forces, and community representatives in key towns in which concerns are aired and solutions sought; and incorporation of local SNA and SPF forces in training on the Guidelines. Interview UN staff member, Mogadishu, 6 February 2016; Skype interview with UN staff member, 10 August 2016.

[449] In May the SNA also vacated a school that they had occupied in Afgoye. See, for example, http://www.hiiraan.com/news4/2016/May/105611/afgoye_children_get_their_school_back_as_army_leaves.aspx

AMISOM Civilian Casualty Tracing, Analysis and Response Cell[450]

63. Although the AMISOM Civilian Casualty Tracing, Analysis and Response Cell (CCTARC) was finally put in place in June 2015 there has been little progress in making the mechanism felt on the ground.[451] To date troop contributing countries have been reluctant to contribute data to the mechanism—perhaps misunderstanding it as an external accountability/investigation tool as opposed to a tool for operational enhancement, wholly owned by AMISOM.[452] In at least one incident during the mandate, for example, personnel were penalized by their commanding officer for cooperating with staff of CCTARC. This resistance has been exacerbated by the refusal of the AU to include training on CCTARC in pre-deployment training.

64. Unfortunately, CCTARC's amends (informal compensation) mandate has not yet been activated, with African Union Commission staff insisting on the development of a comprehensive AU-wide policy prior to a scheme being put in place. Although this approach is understandable, a major theme which emerged from consultations between AMISOM and communities conducted under the auspices of the Civ-Mil Guidelines was the need for an effective way to make amends to civilians harmed by AMISOM—delays have been highly detrimental to AMISOM's relationship with the community. A pilot approach might be considered.[453] In a letter of 16 September 2016, AMISOM informed the SEMG that an experts meeting on drafting mission specific guidance on amends was planned for October 2016.[454] Support from Member States will be needed to implement this program effectively.

UN Human Rights Due Diligence Policy

65. The Council in resolution 2244 (2015) also noted the importance of the Secretary-General's Human Rights and Due Diligence Policy (UNHRDDP) in relation to the support provided by the UN to AMISOM (paragraph 15). In line with recommendations made in the UNHRDDP framework, pre-deployment training now includes a requirement by senior officers to sign a form undertaking to report any allegations of human rights violations or sexual exploitation and abuse through their command chain.[455]

Accountability

66. The commission of violations of international law against civilians and other abuses of power (including the use of force to interfere directly in governance and administration) by international forces is exacerbating insecurity. In July 2016 the Council called on the African Union (AU) to investigate and report allegations of violations and abuses of human rights and violations of international humanitarian law by AMISOM forces, as well as continuing to ensure the highest standards of transparency, and conduct and discipline (paragraph 14 of resolution 2297 (2016)). The current mechanisms have, however, proved insufficient for the task. As noted by the SEMG in S/2015/881, the weak Board of Enquiry procedure, and sporadic and inconsistent compensation payments at a sector level, have not increased public

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[450] This paragraph is based on interviews conducted with individuals with close operational engagement with CCTARC, in person and on phone, in Nairobi, Mogadishu, and New York, March to August 2016.

[451] CCTARC was established under the authority of the African Union Peace and Security Council, pursuant to the express mandate set out in UNSCR 2036 (2012), UNSCR 2093 (2013), UNSCR 2124 (2013), UNSCR 2182 (2014) and UNSCR 2232 (2015). In July the Council once again emphasised "the importance of making the CCTARC operational and effective without further delay, and in this regard urges the full support of troop and police contributors for the CCTARC, in collaboration with humanitarian, human rights and protection actors" (paragraph 16 of resolution 2297 (2016)).

[452] It is understood that the origin of the overwhelming majority of the materiel in the CCTARC database has been gleaned from public sources.

[453] The SEMG was told for example by the family of a former source of the group killed by indirect fire in Marka that "there was no use" in approaching AMISOM.

[454] Letter from the SSRC Ambassador Franciso Madiera, Special Representative of the Chairperson of the African Union Commission to the SEMG Coordinator, 16 September 2016.

[455] Report of the Secretary General on Somalia, S/2016/43, 9 May 2016, paragraph 81.

confidence.[456] The SEMG urges that consideration be given to the conduct of a review of the effectiveness of the Board of Enquiry mechanisms in the specific mission context.

67. On 2 August 2016, however, it was encouraging that Uganda conducted the first court martial in Mogadishu of an AMISOM solder, with the media invited to cover the proceedings.[457] Notwithstanding that the matter at trial related to breach of the military code (theft of military supplies—fuel and sandbags—as opposed to civilian harm), this was a significant step forward in terms of both accountability and transparency.

68. With respect to non-AMISOM operations, or AMISOM's strategic partners, the SEMG has been unable to clarify the nature of the bilateral agreements which facilitate the presence of these forces. Nevertheless they are subject to the international law applying to forces engaged in a non-international armed conflict in Somalia.[458] The SEMG urges the Security Council to request all forces operating in Somalia to adhere strictly to applicable international humanitarian law, in full recognition of the sovereignty of Somalia and its applicable laws, and in full compliance with the scope of the relevant exemptions to the arms embargo. This should include refraining from transferring individuals found on the territory of Somali out of the jurisdiction without due process of law, and investigating and prosecuting personnel who commit grave breaches of international humanitarian law.

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[456] See also See, Human Rights Watch, Dispatches, Protecting Somalis from their Protectors, 8 July 2016 https://www.hrw.org/news/2016/07/08/dispatches-protecting-somalis-their-protectors

[457] See *inter alia*, See, Human Rights Watch, Dispatches, Small steps towards prosecutions for abuses in Somalia, 4 August 2016 https://www.hrw.org/news/2016/08/04/dispatches-small-step-towards-prosecutions-abuses-somalia. See also, AMISOM, Press Release (PR/023/2016), AMISOM confirms arrest of five of its troops, 6 June 2016.

[458] The legal framework which applies to non-international armed conflicts in Somalia is customary international law and (or encompassing) Common Article 3 to the four 1949 Geneva Conventions, applicable to all parties to the conflict, including al-Shabaab.

Annex 7.7: Violations committed against civilians as a result of the increasing use of airstrikes

69. The most significant development during the mandate with respect to the conduct of international forces which affected civilians was the increase in the use of aerial weaponry by the African Union Mission in Somalia (AMISOM)'s strategic partners, whether delivered by drone, helicopter or fighter aircraft. More broadly the use of remote violence against civilians—including both air strikes and IED and related attacks—is on the rise.[459]

70. The SEMG has compiled a list from public sources of reported airstrikes between 1 January and 5 September 2016. During this period there were 29 attacks documented, conducted primarily against targets in Gedo, Hiran, Lower Shabelle, Middle Juba and Lower Juba. (In addition, the United States of America (US) conducted air strikes on Al- Shabaab in Al Madow Mountains near Galgala in January and in June in support of Puntland ground forces.) Twenty of these strikes were claimed by, or are attributable to, the US, and nine to Kenya. The largest strike in terms of the numbers of casualties reported was an attack by US forces on 5 March 2016 on an al-Shabaab training camp at Raso in Hiran that was described by the US as having killed more than 150 people, including, according to the Secretary General, new recruits and some senior commanders.[460]

71. It has been difficult to assess the civilian toll from these operations, not least as the locations where the strikes have been directed are largely in areas under Al-Shabaab control. Nevertheless the SEMG was able to determine that in some areas which have been the subject of repeated strikes, the attacks have created fear in local populations, generated significant displacements and impacted livelihoods.[461] Often coming in the wake of Al-Shabaab attacks on anti-Al-Shabaab forces elsewhere, air strikes which targeted civilian areas were perceived by some as a form of collective punishment. Between 1 January and 31 April the UN documented and verified the killing of 29 civilians in aerial attacks by Kenyan forces, and two civilians injured by US helicopter strikes.[462]

Airstrikes following the Al-Shabaab attack in El Adde[463]

Attacks by Kenyan and other anti-Al-Shabaab forces in the wake of the attack by Al-Shabaab on the Kenyan Defense Forces (KDF) base at El Adde on 15 January 2016, including an intense aerial campaign in Gedo resulted in killing of at least 12 civilians and the destruction of civilian objects.[464] In Gedo, homes, water points and livestock were destroyed. The bombing campaign triggered displacement of at least 8,600 people who fled El Adde, Likooley and nearby villages in the two weeks following the attack, some displaced multiple times as the bombing continued.[465] A statement from the Supreme Committee of the Sade, and its Chairman, Sheikh Abdikarin

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[459] As a share of overall recorded violence, the period from January to August 2016 experienced a very high and consistent rate of remote violence- an average of 20 per cent of recorded events. The Armed Conflict Location and Event Data Project (ACLED), Draft Conflict Analysis of Somalia, August 2016

[460] See United States Department of Defense, Statement from Pentagon Press Secretary Peter Cook on Airstrike in Somalia, 7 March 2016, available at http://www.africom.mil/NewsByCategory/article/28034/pentagon-statement-on-airstrike-in-somalia; Report of the Secretary General on Somalia, S/2016/430, 9 May 2016, paragraph 50

[461] One woman in Dag Sharif in Gedo, for example, reportedly died "of shock, after an attack. Email from NGO staff member working in the region, 7 September 2016. In Middle Juba a relative of a local farmer from near Asbole near Jilib described to the SEMG how, as a result of the bombings, he was told that locals going to their fields changed their clothes so that they would not "be mistaken for Al-Shaaab", thus laying themselves open to penalty from the Group for disobeying rules on proper attire. Interview with member of local community who conducted interviews in Asbole in Middle Juba on behalf of the SEMG, 28 June 2016.

[462] S/2016/430, 9 May 2016, paragraph 50

[463] Bombings in Gedo have continued throughout the mandate, accompanied by allegations of deaths of civilians.

[464] Information received from local NGOs and UN sources indicated a death toll of between 12 and 15 civilians in the period immediately after the El Adde attack. By 25 January 2016, the UN had recorded and verified 15 civilian causalities from the airstrikes conducted since 15 January 2016 (nine dead and eight injured). Email from UN staff member, 7 September 2016.

[465] Interview with UN staff member, 16 March 2016, email from local NGO, 18 January 2016.

Sheikh Ibrahim, on 25 January 2016, decried the "massacre of civilians" around El Adde through what they described as "indiscriminate air strikes and ground operations".[466]

The SEMG conducted an interview with 'Mohamed' who witnessed events both in El Ade on the morning of the attack and in the surrounding area in the subsequent week.[467] He described being present when he claimed that AMISOM/KDF forces shot one man outside El Adde on the day of the attack.[468] Mohamed also claimed to have heard accounts from neighbours of other incidents in which AMISOM/KDF soldiers shot civilians, and to have observed the aftermath of a series of aerial bombardments—marks in the terrain, burned materials from the effect of the explosions—which killed civilians in Ekmuk and Haramadhere.[469] A relative also told him of a bomb which hit the family's compound in [place name withheld] which killed 20 goats. In the days after the El Adde attack 'Mohamed' stated that he attended at the burial of six individuals, five killed as a result of aerial bombardment, and one shot by retreating KDF soldiers (as noted above).

Some in the local community provided shelter to fleeing KDF soldiers: one report indicated that 33 KDF soldiers had been assisted and found their way to safety. A well-known man in the community, Deeqow Hussein Ciye reportedly gave protection to four KDF soldiers at his home in Alwileh, but was later killed by Al-Shabaab alongside the four soldiers who had sought sanctuary.[470]

72. On 31 January 2016, the FGS announced the formation of a committee to investigate the impact of the air strikes. In a presentation to the UN Human Rights Council in April the FGS that KDF airstrikes had "targeted civilian areas and caused heavy casualties".[471] In September however the Commander of the Somali National Armed forces told the SEMG that he had "no information regarding the killing of civilians or aerial bombardment by AMISOM TCC's or bilateral actors, neither was the SNAF part of the decision making process with regard to such actions."[472]

73. In April 2016 the Government of Kenya transmitted a communiqué to the Committee in which it addressed, among a range of issues, the Group's allegation that Kenya had carried out a sustained military campaign including bombing and ground attacks targeting places where the displaced had gathered for shelter, describing it as "erroneous and distorts the credibility of the briefing".[473] Kenya further told the Committee that the KDF "in the discharge of its obligations to the

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[466] See dhacdonews.com, 25 January 2016, informal translation by the Monitoring Group.

[467] Interview conducted with individual originally from, and present in, El Adde on the day of the attack, undisclosed location, 5 March 2016. As a result of statements by Kenyan commentators that the Marehan clan was partially responsible for the attack on the AMISOM/KDF base at El Ade, it was difficult to engage with the community who feared reprisals. Later the agreement reached between Marehan elders and the Kenyan Government also impeded investigations as communities decided that it might be better to refrain from speaking about the events of January 2016 in order to give the agreement a chance to take hold.

[468] The man described how around 0900 on the morning of the 15 January 2016 he had returned to El Adde to collect civilians and accompany them out of the area and as he approached the town saw personnel in a KDF vehicle shoot at a man on the road out of the town. He later assisted with the burial of the man. The UN documented and verified four killings of civilians by retreating KDF forces.

[469] He was told that unexploded ordinance was found in some areas but did not see any himself personally. An NGO source reported that there were bombings of Gadondhawe, Qabri-sheikh, Garba Abdi and Dhamas from which Al-Shabaab collected unexploded ordinance. Email from NGO staff member, 7 September 2016.

[470] Email from NGO staff member, 17 January 2016; email from diplomatic source with knowledge of the aftermath of the El Adde attack.

[471] Paragraph 37, Section 1 A Presentation of state under review, Report of the Working Group on the Universal Periodic Review, Somalia, A/HRC/32/12, 13 April 2016

[472] Letter from SNA Commander Major General Mohamed Aden Ahmed to the SEMG, undated, received 6 September 2016.

[473] See, Communiqué from the Permanent Mission of Kenya to the United Nations regarding the Somalia and Eritrea Monitoring Group's midterm update, S/AC 29/2016/COMM.20, dated 21 April 2016, transmitted to the Committee on 22 April 2016, S/AC.29/2016/NOTE.26.

international peace and security efforts adheres to comprehensive best practice, standard operating procedures and a strict code of conduct and disciple". Kenya noted that their forces were "guided by AMISOM rules of engagement including international humanitarian law and the African Union Peace Support Operations Code of Conduct".

74. Further to receiving indications that Kenya had taken steps since January 2016 to review its air operations, in August 2016 the SEMG wrote to Kenya to seek further information on the measures which had been put in place, but did not receive a reply by the time of filing this report.[474]

Allegations relating to the use of cluster munitions and the harvesting of unexploded ordnance[475]

75. On 24 January 2016 allegations that cluster munitions had been deployed as part of the Kenyan bombing campaign in response to the El Adde attacks began to circulate on Somali media. A number of photos were published purporting to illustrate unexploded cluster munitions, appearing on a pro-Al-Shabaab site, which raised immediate questions about their validity.[476] One of these images is attached at annex 7.7 (a).

76. The photographs depict BL755 No1 Mark 1 unexploded cluster bomblets, of UK origin, against a terrain similar to that prevalent in Gedo. An expert who examined the picture suggested that the ordnance illustrated may have been dropped too low in that the coronets had not deployed, thus the safety/arm mechanism would not have rotated and the detonator remained unaligned.[477] The SEMG has confirmed from embedded data that one of the pictures was taken on 19 January 2016.[478]

77. The SEMG has not been able to conclusively identify the location where the picture was taken. The most convincing account received by the SEMG was that the photograph showed an area between Tarako and Juungal north west of Bardera: the man in the picture was also identified definitively by name.[479] Another expert source, however, stated that his local contacts had reported the discovery by Al-Shabaab of unexploded cluster munitions near Bu'ale around the same time: he understood that the pictures published on Somalimemo matched that location.[480] Due to the location of the alleged strike deep in Al-Shabaab territory, independent information or photographs, however, could not be retrieved.

78. The Group notes that advocates working in the field of cluster munitions use and reduction have asserted that "Kenya is not known to have ever used, produced, transferred, or stockpiled cluster munitions".[481] The SEMG notes, however, that aircraft of the F-5 type used by Kenyan forces in Somalia could be modified to deliver BL755 munitions considering the similarities in delivery ballistics between the BL755 and munitions usually deployed.[482] The BL-755 bomb was manufactured by Hunting Engineering/INSYS, which latter entity was acquired by Lockheed Martin Holdings (UK) in 2005. The SEMG requested Lockheed Martin to provide export authorisation records for BL755 indicating sale of

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[474] Interview with security expert, Nairobi, 30 June 2016.

[475] Somalia deposited its instrument of ratification to the Convention on Cluster Munitions with the Secretary General on 30th September 2015. See, for example, Goobjoob News, "Somalia ratifies cluster munitions convention", 1 October 2015, available at http://somaliamediamonitoring.org/october-2-2015-morning-headlines/. Kenya became a signatory to the Convention on 3 December 2008, although it has not ratified the instrument. As a signatory to the Convention Kenya is obliged further to article 18 of the Vienna Convention on the Law of Treaties to act in good faith and "not to defeat the object and purpose" of the treaty.

[476] See, for example, http://somalimemo.net/articles/4278/Sawirro-Kenya-Oo-Qaaday-Weerar-Culus-Oo-Aar-goosi-Ah.

[477] Email from expert on IEDs in Somalia, 28 January 2016.

[478] The SEMG attempted to contact the website where the pictures originally were posted to no avail.

[479] Email from relative of a member of the local community, 7 September 2016; Interview conducted with relative of the man with interlocutor of the Monitoring Group, September, 2016.

[480] Email from individual with knowledge of military operations in Middle Juba, 25 January 2016. Skype discussion with individual who received initial reports on the incident, 14 September 2016.

[481] See, for example, the assertion in the Landmines and Cluster Monitor Kenya profile at http://www.the-monitor.org/en-gb/reports/2016/kenya/cluster-munition-ban-policy.aspx. It was last updated, however, only in July 2015.

[482] See, *inter alia*, http://www.globalsecurity.org/military/world/kenya/air-force-modernization.htm.

such munitions to Kenya during the period—if any. As the requirement to retain export records had expired, however, no records were recoverable from that period.[483]

79. The Monitoring Group has also determined, however, through photographic and testimonial evidence, that unexploded cluster munitions of the same BL755 type alleged to have been used in January in Gedo/Bu'ale were employed in the manufacture of components for improvised explosive devices (IEDs) which were found in a cache of materials seized by anti-Al-Shabaab forces in Bardera and reported on 7 March 2016. It was initially understood that Kenyan forces had recovered the material.[484] It was later clarified that it was the Ethiopian National Defense Forces (ENDF) contingent which had taken possession.[485] In the meantime the SEMG had requested the Government of Kenya for access to, or access to information on, the IED components recovered in Bardera in order to assist in tracing their origin.[486] This request has now been made to Ethiopian authorities. Pictures of the unexploded munitions are attached in confidential annex 7.7.1 (a).

80. As a result, the SEMG has not yet been able to ascertain when and where the cluster munitions used in the Bardera IEDs were recovered—or indeed whether they were harvested from previously imported or deployed BL755 weapons stocks. The SEMG notes that remnants of cluster munitions used during the 1977 to 1978 Ogaden war between Somalia and Ethiopia have been recovered before in border areas between Somalia and Ethiopia including, for example, PTAB-2.5M and AO-1SCh sub-munition remnants.[487] Most recently an unexploded PTAB-2.5M, Russian origin cluster munition was recovered near Dinsor on 25 September 2015. Later empty carriers for the same munition was found near Rabdhure.[488] The SEMG has not heard, however, of the BL755 cluster being among the legacy unexploded ordnance discovered to date in Somalia. Nevertheless, the BL 755 was developed in the early 70s and is known to have been used by Ethiopia at least once in the 90s (in an attack on Eritrea).[489]

81. In a communiqué issued on 21 April 2016 addressed to the Committee, the Government of Kenya declared that the statement by the SEMG that delivery units for cluster munitions were observed and that munitions of the same type had later been used in the manufacture of IEDS was "at best, a fabricated, wild and sensationalist allegation".[490] The Secretary General also told the Council in May 2016 that the Government of Kenya had denied the use of cluster munitions.[491]

82. Confidential Annex 7.7.1 contains pictures of the recovered IED components manufactured using BL755 No1 Mark 1 clusters.

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[483] Letter from Peter Ruddock, the Chief Executive of Lockheed Martin, to the Secretary of the Committee, 12 September 2016.

[484] Interviews with individuals with knowledge of the incident, Mogadishu, March 2016.

[485] Email from individual with knowledge of the recovery operation, 18 September 2016.

[486] Pursuant to paragraph 6 of resolution 2182 (2016) AMISOM forces are required to, "document and register all military equipment captured as part of offensive operations or in the course of carrying out their mandates, including recording the type and serial number of the weapon and/or ammunition, photographing all items and relevant markings and *facilitating inspection by the SEMG* of all military items before their redistribution or destruction" (emphasis added).

[487] See, Landmines and Cluster Monitor Ethiopia profile at http://www.the-monitor.org/en-gb/reports/2015/ethiopia/cluster-munition-ban-policy.aspx. It was last updated, however, in July 2015. See also photographs by UNMAS of recovery of unexploded ordinance at https://www.flickr.com/photos/unmassomalia/sets/72157632302508302/.

[488] Skype interview with security source, 13 September 2016.

[489] By 2008 Ethiopia still held stockpiles of the munition. See, for example, Regional Fact Sheet September 2008, Africa and the Oslo Process to Ban Cluster Munitions. Prepared by Human Rights Watch, available at https://www.hrw.org/legacy/pub/2008/arms/CMC_factsheet0908.pdf. The report notes that both Ethiopia and Nigeria were stockpiling BL 755 type clusters in 2008.

[490] See, Communique from the Permanent Mission of Kenya to the United Nations regarding the Somalia and Eritrea Monitoring Group's midterm update, S/AC.29/2016/COMM.20, dated 21 April 2016, transmitted to the Committee on 22 April 2016, S/AC.29/2016/NOTE.26.

[491] S/2016/430, 9 May 2016, paragraph 50.

Collection of unexploded ordnance

83. The Group received a number of reports from UN and non-governmental organisation (NGO) sources during the mandate that in the wake of airstrikes unexploded aerial ordinance was recovered by Al-Shabaab experts, particularly in Gedo. A source near Luq, for example, told the SEMG that one of his close relatives had observed "dropped bombs" which may have been clusters, being collected and taken away by Al-Shabaab in late January 2016.[492] In late February 2016 the SEMG received an email claiming that the KDF had dropped "objects" in the village of Tulobarwaqo, only one of which blew up and "caught on fire".[493]

Measures to enhance compliance

84. The use of airstrikes in the conflict in Somalia appears set to continue. It is important that these take place, not just within the context of AMSIOM's strategic concept of operations and in cooperation and coordination with AMISOM in compliance with the framework of the arms embargo,[494] but in accordance with international law and requirements of necessity, distinction and proportionality. Member States engaged in such operations may need to disseminate specific rules of engagement and targeting protocols, in accordance with international best practice, for the use of aerial ordnance in full compliance with the principles of distinction, proportionality and necessity.

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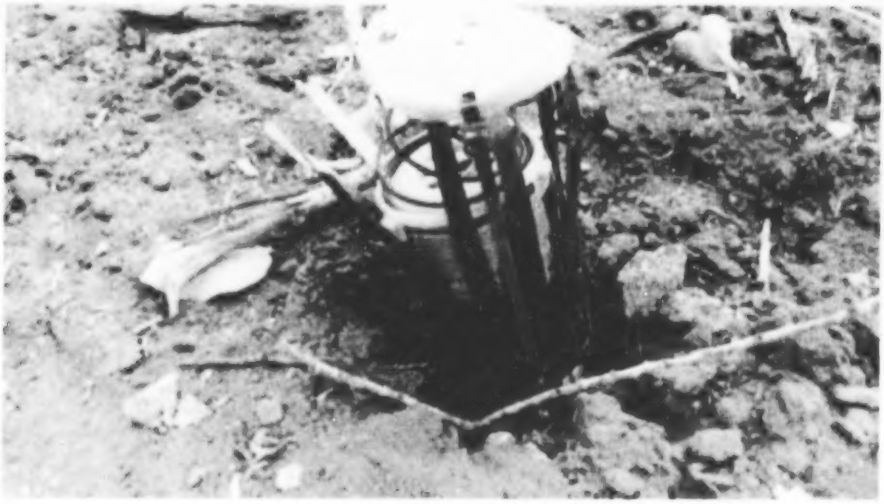
[492] Email from individual known to the Monitoring Group residing in the vicinity of Luq with knowledge of events in Gedo, 21 Feb 2016

[493] Email from NGO staff member, as translated by the SEMG, 26 February 2016

[494] Resolution 2111 (2013), paragraph 10 (c)

Annex 7.7 (a)

Figure 1: Image of unexploded cluster bomb remnant, photograph dated 19 January 2016



Annex 7.7.1: Allegations relating to the use of cluster munitions (STRICTLY CONFIDENTIAL)[*]

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[*] The annex has not been reproduced in the present document because it is strictly confidential

Annex 7.8: Attacks on civilians and obstruction of humanitarian aid: Abdirashid Hassan Abdinur[495]

85. During the last two years the Monitoring Group received multiple allegations, from Somali and international sources, alleging that Abdirashid Hassan Abdinur (Abdirashid)—current Minister of Security in the Interim Jubba Administration (IJA)—has been responsible for the targeting of civilians contrary to international law, as well as conduct constituting obstruction of humanitarian assistance.[496] At the centre of these allegations is the assertion that Abdirashid wields control of both the instruments of the use of force, and humanitarian financial flows in Dolow town and the surrounding areas, including with the support of the IJA and elements of the Ethiopian military.[497] It has also been alleged that Abdirashid has participated in activities that undermine peace and security more broadly, including attempting to overrule legitimately appointed local authorities.[498]

86. Allegations of abuses of power by Abdirashid came to a head on the night of 29/30 August 2015 with the killing of three men and one woman who had been held in detention at Dolow Police Station for various periods of time prior to their death: Abdirizak Farah Mire, Ahmed Mohamed Gurnow Adan Derow Abdille and Sanyar Hussein Mohamed. They four were tied up, shot, and their naked bodies dumped in a shallow grave. The sudden and brutal circumstances of the killings, and the range of profiles and identifies of the deceased—including a woman, and two people from Abdirashid's own Rer Ahmed/Rer Samatar sub-clan—shocked the community deeply. One explanation ventured was that, in the aftermath of a serious car accident, Abdirashid had grown increasingly concerned that perceptions of his strength, capacity and immunity were waning. His actions on the night of 29/30 August 2015 were intended thus to consolidate his image as an untouchable 'strong man'. It was also noted in this regard that on 26 August 2016, just a few days before the killings, Abdirashid had lost nine of his men in a battle with Al-Shabaab at Tulobarwaqo village, including the-then commander of the Dolow Police Station, Abdi Howsar.

87. On 26 December 2015, the Benadir Regional Court issued a warrant for Abdirashid for these four killings, in addition to the unlawful killing of three others in 2013 and 2014, also in Gedo.[499] On 18 May 2016 Abdirashid was promoted to the position of Minister of Security by the President President Ahmed Mohamed Islam ("Madobe").

88. It is the SEMG's assessment that Abdirashid was, on the balance of probabilities, responsible for the killing of the four prisoners in Dolow on the night of the 29/30 August 2015.[500] Indeed on 31 August 2015 Abdirashid himself made a

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[495] The Monitoring Group account and assessment of this case is based on multiple interviews with members of the family of the victims, regional government officials, NGO and UN staff members, researchers, senior members of the Dolow community, including traditional leaders, in person in Nairobi, Baidoa and in phone and Skype conversations between September 2014 and 30 August 2016.

[496] A former member of Al-Itihad in the 1990s, Abdirashid later switched allegiances and successfully persuaded both local and Ethiopian authorities to agree to his appointment as District Commissioner of Dolow in 2006. He then consolidated his power through facilitating rapprochement between President Ahmed Mohamed Islam "Madobe" (Darod/ Ogaden) of the Interim Jubba Administration (IJA), and elements of his own Darod/Marehan clan, subsequently asserting singular control over the political economy of Dolow. On 20 February 2014, IJA President Ahmed Mohamed Islam (Madobe) appointed Abdirashid as Deputy Minister of Interior and Security in his administration.

[497] The SEMG has reported on some of these allegations in past reports, in particular the rigorous control of the contracting processes for accommodation, vehicles, human resources and other services by Abdirashid in Dolow and the surrounding area, despite his having relinquished the position of District Commissioner. See S/2015/746, strictly confidential annex 7.6.

[498] The SEMG notes that the environment of violations which existed in Dolow were not unique. During the mandate the SEMG received a range of allegations relating to abuse of power by, for example, Luq district authorities including use of unlawful arrest to enforce payments, expropriation of property, arrests of FGS appointed officials, extortion of humanitarian organizations, and the transfer of individuals to the custody of Ethiopian forces on the basis of false accusations.

[499] Copy of the court order (Ref. 59/2015) held on file with the Monitoring Group.

[500] Other individuals who were also allegedly present on the night of the killing bear forms of responsibility for the killings, including members of Abdirashid's militia and his advisor, Ahmed Mohamed Omar "Ilkadhere", but they were not the focus of the SEMG's investigations during this period of the mandate.

statement in a BBC Somalia interview declaring that the detainees—he only acknowledged the existence of three—had been executed as they were "all Al-Shabaab".[501]

89. In the course of its investigations into the events of 29/30 August 2015, the SEMG received information alleging Abdirashid's responsibility for a range of other conduct in violation of international law, including other incidents of torture, unlawful killings, abductions and disappearances. Although the SEMG was not able to fully investigate these cases, consistent and credible information was provided, including in particular with respect to a series of acts of killing, torture and rendition in October and November 2014, in relation to six men accused by Abdirashid of assisting Al-Shabaab to plan an attack on Dolow.

90. In addition to his involvement in conduct amounting to targeting of civilians in violation of the mandate, Minister Abdirashid also manipulated—in collaboration with a network of individuals—a range of elements of humanitarian operations in Dolow, directly and indirectly, including through the operation of contracting cartels and imposition of inappropriate bureaucratic impediments, to control and extract financial benefit from, humanitarian operations in Dolow. This included wielding the means of the use of force inhering in his authority—deployment of militia and unlawful arrest—to assert his will, amounting to obstruction of humanitarian assistance.

91. To date, Abdirashid has operated with complete impunity. The IJA is seemingly unable to hold Abdi Rashid accountable for his abuse of power. The impact and implications of these activities—in addition to Abdirashid's broader use of force to enhance his position of power in Gedo—contributes to undermining peace and security in Somalia.[502]

92. The SEMG's assessment of the evidence it has collected of violations of the mandate by Minister Abdirashid is contained in strictly confidential annex 7.8.1.

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[501] BBC Somali, interview with Abdirashid, 31 August 2015, audio file on file with the Monitoring Group.

[502] As the report was being finalized in mid-September 2016 the SEMG received a series of accounts alleging the involvement of Minister Abdirashid and his militia in armed violence, involving attacks on civilians and others, and including the use of improvised explosive devices (IEDs), around Belet Hawa. The SEMG is investigating these incidents.

Annex 7.8.1: Attacks on civilians and obstruction of humanitarian aid: Abdirashid Hassan Abdinur (STRICTLY CONFIDENTIAL)[*]

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[*] The annex has not been reproduced in the present document because it is strictly confidential.

Annex 8

Arms embargo

Annex 8.1: Federal Government of Somalia (FGS) reporting to the Council pursuant to paragraph 7 of resolution 2244 (2015) and paragraph 9 of resolution 2182 (2014)

1. Since the granting of the partial lift in resolution 2093 (2013), the FGS has been required to report to the Council every six months on the structure, strength and composition of its security forces and the infrastructure and procedures in place for effective weapons and ammunition management.[503] The requirement was imposed both to create a framework for more targeted support by Member States to FGS security forces, and to improve transparency in how the FGS manages its stockpiles. Reporting also provides a baseline for the implementation of the arms embargo, identifying the forces entitled to receive arms and other assistance, and under what conditions.

2. In its 2015 final report, the SEMG described significant gaps in the content of FGS reporting.[504] In its next resolution, the Council added a new element to the scope of the requirement, calling on the FGS "to include more information in its reporting, including through the provision of full and accurate information on the structure, composition, strength **and disposition** of its security forces, including the status of **regional** and militia forces" (emphasis added).[505]

3. Since the Council imposed the reporting requirement, the FGS has submitted a total of eight reports, the latest dated 14 April 2016.[506]

Structure, strength and composition of forces

4. FGS reporting during the mandate period added little to the picture of the security forces which the FGS first provided in mid-2014.[507] In its first report to the Council in June 2014 the FGS had submitted a security forces organogram which included details of Somali National Army (SNA) command and personnel strength at both sector and battalion level. Information on personnel strength in the other three forces under its control was, however, omitted. Since then the FGS has provided information only on significant changes in leadership command and structure for the four security forces (and then only to sector level for the SNA)—but not on personnel strength changes for any of the forces.[508] Indeed personnel numbers for three of the four FGS security forces—the custodial corps, the Somali Police Force (SPF) and National Intelligence and Security Agency (NISA)—have never been provided to the Council by the FGS. The absence of information on SNA force strength since 2014, and indeed any indication of the strength of the other three forces, constitutes a significant lacuna in FGS compliance with the requirements of the partial lift.

5. The SEMG recognizes that the nature of the political and security economy which guides the FGS' relationships with its security institutions, is complex and oscillatory. Nevertheless, assessments done under the Gulwade and Heegan plans and the biometric registration process currently underway in collaboration with UN Office of Project Services (UNOPS) must provide a starting point for the provision of clear figures. In fact, in Annex 9 of the latest FGS report, the FGS does provides personnel numbers underpinning SNA salary/stipend payments for 2015 to SNA in Sectors 1, 2, 3, 4 and 5.

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[503] Resolution 2093 (2013) paragraph 39 as modified by subsequent resolutions. In resolution 2244 (2015) the Council renewed its reporting request, requesting the FGS to report to the Security Council by 15 April 2016 and again by 15 October 2016 (paragraph 7).

[504] S/2015/881, annex 7.3.

[505] Resolution 2244 (2015), paragraph 7.

[506] Since the SEMG's 2015 report the FGS submitted two reports, one dated 30 September 2015 (letter dated 30 September 2015 from the Permanent Representative of the Somali Republic to the United Nations, S/AC.29/2015/COMM.70) and the second dated 14 April 2016 (letter from the National Security Adviser to the President of the Federal Government of Somalia to the United Nations, S/AC.29/2016/COMM.19)

[507] Letter dated 13 June 2014 from the Permanent Representative of the Somali Republic to the United Nations, S/AC.2912014/COMM.53.

[508] The 30 September 2015 report only provided updates on SNA, police and custodial corps higher-level command and structure—omitting the National Intelligence and Security Service. The 14 April 2016 report rectified this oversight.

Integration of militia

6. In its first report to the Council of June 2014 the FGS provided data on SNA militia integration which was ongoing at the time, in particular with respect to the 11th and 10th brigades. It shared information on force strength, sub-units (both companies and battalions), command and disposition. Since then, however, no information on militia integration has been submitted to the Council. In fact, the SEMG understands that even some of the personnel in the 11th and 10th brigades have in fact left FGS control.

7. The absence of any information on militia integration, recruitment, or loss of forces since 2014 is problematic: the SEMG is aware that militia are being integrated across the country, including under the auspices of the National Integration Commission.[509] Indeed, both the FGS September and April reports refer obliquely to significant evolution having taken place in the composition and disposition of forces: the first report notes, for example, that integration of SNA forces is "moving quite fast"; the second report describes the "structure" of the security forces as "progressing remarkably". In its 2015 report the SEMG particularly identified the need for clarity to be provided on the formation of SNA sector 43 in Kismayo which had received considerable UN and Member State support.[510] The FGS's two latest reports, however, simply describe the sector as commanded by Brigadier General Muhiedin Sid Abudlle with no information provided on strength, composition or sub-command.[511]

Regional forces

8. In its 2015 final report, the SEMG reported that the ambiguous status of regional forces was a major challenge to compliance by the FGS, Member States, and private entities with the arms embargo. Subsequently in resolution 2244 (2015), the Council requested the FGS to provide details of the status of "regional forces". The FGS failed to provide such information in its last report to the Council.

9. Knowing the composition of the FGS security forces, and in particular which regional forces are comprised within it, is critical to determining whether these forces are entitled to receive support under the partial lifting of arms embargo. In its Implementation Assistance Notice No. 2 of March 2016 (IAN (No.2)) the Committee confirmed that it was the responsibility of the FGS to determine forces coming within the scope of the partial lift: "it is the sole responsibility of the FGS to inform the Committee of which entities are regarded as forming the Security Forces of the FGS."[512]

10. The SEMG recognises the challenges the FGS faces with this requirement to report on regional forces. In this context, the SEMG wrote to the Interim Jubba Administration (IJA), the Interim Galmudug Administration (IGA), the Interim South-West Administration (ISA), and the administrations of Puntland and Somaliland drawing attention to this specific element of the resolution and inviting them to share information relevant to the implementation of the arms embargo with the SEMG and with the FGS as appropriate.

Weapons and ammunition management (WAM) infrastructure and procedures

11. In the last two reports to the Council the FGS provided no information the status of its armouries or planned construction.[513] This is not only a compliance requirement: donors would also benefit from this information in order to

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[509] The National Integration Commission was launched on 12 May 2015 with a mandate to plan and oversee implementation of SNA integration

[510] S/2015/801, annex 7.3.

[511] See S/2015/801, annex 7.3, paragraph 75. On 27 July 2015 a swearing in ceremony took place for 1517 new SNA personnel in Kismayo, attended by the Presidents of both the IJA and the FGS. It is understood that at the end of July 2016 General Ismail Sahardid replaced Brig General Sid Abdulle. Email from UN staff member, 28 July 2016

[512] Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions, 14 March 2016 (hereafter IAN No. 2), paragraph 12

[513] The FGS must provided information on the "storage capacity, staffing capacity, arms and ammunition management systems and status of use" of each currently available, and planned, armoury and storeroom". Resolution 2142 (2014), paragraph 9

better channel their support to the FGS. A table which is updated regularly, with input from the UN agencies and non-government organisations (NGOs) which have been involved in an ongoing program of construction, would provide a useful baseline.

12. As in its previous reporting, the FGS failed again to provide any information on the safe storage, registration, maintenance and distribution of "military equipment," beyond weapons and ammunition. As the SEMG noted previously, control of these streams of materiel is important operationally: the SEMG found in 2015, for example, that the wide availability and low cost of military uniforms, due partly to a lack of oversight of imports, constituted an underreported threat to peace and security in Somalia.[514] Al-Shabaab, both within and outside Mogadishu, frequently carries out attacks while disguised in SNA, African Union Mission in Somalia (AMISOM) or other government military uniforms. Over 135,000 items of military uniform were notified as prospective imports during the last mandate, with tens of thousands of undocumented uniform donations received.[515] During the course of this mandate, over 289,000 items of military clothing from uniforms, to helmets to t-shirts, were the subject of advance notification and the SEMG received information on the planned construction of a uniform factory.

13. In assessing FGS reporting in 2014 and early 2015 on weapons and ammunition management procedures the SEMG found that the account provided seemed more aspirational than a reflection of actual practice.[516] The Group particularly noted that weapons management and distribution outside Halane had not been addressed.[517] The last FGS report to the Council annexed the outcomes of a series of consultations held in Somalia in February 2016 under the stewardship of the UN Institute for Disarmament Research (UNIDIR) which included an extensive analysis of WAM procedures and practices and suggestions on the way forward.[518] The FGS also included a copy of the first report of the Joint Verification Team (JVT) which started work in March 2016 and which conducted inspections of FGS security forces' stockpiles, inventory records and the weapons supply chain.[519] The JVT report contained a very clear account of how weapons are received, logged and stored in, and then re-distributed from Halane, alongside recommendations on how to enhance recording and tracking.

Additional information

14. The FGS has used its reports to provide additional useful information to the Council on the operation of the security sector as a whole. These have included information on the overall security challenges facing Somalia relating to Al-Shabaab, FGS views on maritime interdiction of charcoal and arms and details of training, both conducted and planned, for the security forces. In a new development, the last two reports contained information on FGS notifications of deliveries to the Committee. The last report also contained information on the destruction of ammunition and the state of the security sector payroll (annex 9).[520]

15. Pursuant to paragraph 6 of resolution 2182 (2014) the FGS is required, *inter alia*, to document and register captured weaponry and ammunition and to facilitate Monitoring Group inspection of the materiel.[521] In its 30 March 2015 reporting to the Committee the FGS provided information on three incidents where weapons and other materiel subject to the arms

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[514] S/2015/801, paragraph 83.

[515] S/2015/801, annex 7.1.

[516] The FGS must provide information on procedures and codes of conduct in place for the registration, distribution, use and storage of weapons by its security forces, and on training needs in this regard, including procedures for receipt, verification and recording of weapons imports through any controlled port of entry, and procedures for the transport of weapons and ammunition (resolution 2142 (2014), paragraph 9).

[517] Annex 7.3, paragraph 81.

[518] See UNADIR, Roadmap for a comprehensive national framework governing the whole life cycle of weapons and ammunition management, prepared for the Office of the National Security Advisor, Feb 2016 workshop.

[519] Resolution 2182 (2014), paragraph 7. See S/2015/801, annex 7.5, paragraphs 110 and 111 for background on the development and establishment of the JVT.

[520] See Section II B for an overview of SEMG assessments of security sector salary payments.

[521] The obligation was most recently re-affirmed in paragraph 10 of resolution 2244 (2015).

embargo had been seized.[522] Unfortunately the last two reports did not contain any information on captured weapons: neither did the SEMG receive such information during the mandate through other avenues.

16. In assessing gaps in FGS reporting during the mandate, it appears that there are challenges surrounding information sharing between the Office of the National Security Advisor (ONSA) which is charged with compiling the reporting and other FGS entities with critical information, such as the four FGS security forces, and the National Integration Commission or the integration focal point in the Office of the Deputy Prime Minister. Improved consultation between the leadership of the four FGS security services and with other security sector actors prior to submission of reporting to the Council might be encouraged. This would also tend to create greater understanding of, and buy-in to, compliance with notification requirements under the partial lift across the security forces.

17. The Monitoring Group therefore recommends that the Security Council:

- reiterate its request to the FGS to improve compliance with reporting obligations to the Council, in particular the provision of full and accurate information on the structure, composition, strength and disposition of its security forces, including reflecting the impact of the integration of militia and regional forces on those parameters;

- direct regional authorities to cooperate with the FGS in the preparation of this reporting as appropriate;

- call on Member States to ensure that advance notifications made pursuant paragraph 4 of resolution 2142 (2014) are done in full consultation with the FGS focal point, the Office of the National Security Advisor;

- urge the FGS to continue to improve the timeliness and content of its post-delivery and post-distribution confirmations to the Committee.

- consider modifying the modalities for submission of FGS post distribution reports to the Committee pursuant to paragraph 7 of resolution 2142 (2014) to permit transmission of periodic reports on weapons and ammunition distribution to the Committee, including in the context of oversight by the Joint Verification Team (JVT);

- urge the FGS to improve recordkeeping for distribution of weapons and ammunition order to ensure tracking of onward movement of materiel outside the Halane armoury.

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[522] Section headed "draft legislation against possession of non-registered lethal weapons." Letter dated 30 March 2015 from the Permanent Representative of the Somali Republic to the United Nations, S/AC.29/2015/COMM.21.

Annex 8.2: Federal Government of Somalia (FGS) and Member State compliance with notification requirements under the arms embargo and partial lift

18. The Council has emphasised that extension of the partial lift of the arms embargo is conditional, *inter alia*, on the FGS fulfilling its requirement to appropriately notify all materiel and support transferred to its security forces.[523]

19. Under the terms of the partial lift, the FGS, or in the alternative a Member State, must notify the Committee, for its information, at least five days in advance, of any deliveries of weapons or military equipment or the provision of assistance intended solely for the development of the FGS' security forces.[524] In addition, the FGS must seek Committee's approval for the import of six types of lethal materiel, as specified in the annex of to resolution 2111 (2013).[525] Following the delivery of weapons and ammunition to Somalia, the FGS is required to inform the Committee of the place of storage and, once the material is distributed, the destination unit within the security forces.[526]

20. In October 2015 in resolution 2244 (2015) the Council welcomed FGS efforts to improve compliance with obligations relation to advance notifications and expressed hope to see "further needed progress in the future".[527] It particularly called upon the FGS to improve the timeliness and content of its post delivery reporting—the submission of delivery confirmations (pursuant to paragraph 6 of resolution 2142 (2014)) and communication of the destination of weapons and ammunition upon distribution (pursuant to paragraph 7 of resolution 2142 (2014)).[528]

21. During the mandate the SEMG engaged regularly with the Office of the National Security Advisor (ONSA), the FGS focal point for the arms embargo, including sharing information on advance notifications received by the Committee and advising on compliance.

Compliance with paragraphs 3 and paragraph 4 of resolution 2142 (2014): Advance notification to the Committee's for its information

22. Between 1 September 2015 and 1 September 2016 the FGS made 14, while Member States made seven advance notifications pursuant to paragraphs 3 and 4 of resolution 2142 (2014). In one case the FGS was not aware of the advance notification by the Member State and notified the delivery of the material as a "late advance notification". Three advance notifications were made late by the FGS, either the day of, or after the delivery: in all of these cases the FGS advised the Committee that it had not been told of the donation until its arrival.

Compliance with paragraph 7 of resolution 2111 (2013): Requests for Committee's approval

23. Between 1 September 2015 and 1 September 2016, the Committee approved two requests for approval submitted by Member States pursuant to paragraph 7 of resolution 2111 (2013).

Compliance with paragraphs 5 and 6 of resolution 2142 (2014): post-delivery confirmations and post-distribution report for Committee's information

24. The FGS failed to provide on time and complete post delivery confirmation and post distribution reports. Nevertheless, an examination of the individual cases where compliance was insufficient shows that in the majority of cases where the correct notification was not made, or it was made late. the challenge related less to a willingness to comply than lack of information being made available to the ONSA.

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[523] See, *inter alia*, resolution 2182 (2014), "any decision to continue or end the partial suspension of the arms embargo on the FGS will be taken in the light of the thoroughness of the FGS's implementation of its requirements as set out in this and other relevant Security Council resolutions", preamble.

[524] Resolution 2142 (2014), paragraphs 3 and 4.

[525] Resolution 2111 (2013), paragraph 7.

[526] Resolution 2142 (2014), paragraphs 6 and 7.

[527] Resolution 2244 (2015), preamble.

[528] Resolution 2244 (2015), paragraph 8.

25. There were 6 advance notifications made since 1 September 2015 for donations of weapons and ammunition which were expected to have arrived by 1 September 2016 and required post delivery confirmation.

- The FGS submitted two post-delivery confirmations with respect to these imports. One was submitted on time and complete, including information on FGS weapons marking of the shipment. The second was made alongside a late advance notification as the FGS was not aware that the donation had already been notified by the Member State involved.

- With respect to two of the remaining deliveries which were expected to arrive by the end of 2105, donated by the same Member State, the FGS told the SEMG that the SNA did not have any information as to whether these shipments had arrived.

- The final two deliveries—both from another Member State—were expected to arrive by 31 August 2016. It is not clear if they have been delivered.

26. During the mandate the FGS also provided post delivery confirmations or post distribution reports for three other shipments which had been notified as expected to arrive during previous reporting periods.

- In April 2016 the FGS submitted an on-time combined post delivery and distribution confirmation for a donation of weapons which had been due in 2015 but was delivered in March 2016.

- In June 2016 the FGS provided a partial post-delivery confirmation to the Committee for a weapons purchase which was originally notified to the Committee in 2014. The confirmation of delivery came late as the FGS had returned part of the original shipment which was delivered in 2015 due to the poor quality of the materiel and was awaiting the order to be re-filled. The order has not yet been completed.

- In August 2016 the FGS sent a post distribution report combined with a post delivery report to the Committee in relation to a donation of weapons which had been given to the Somali Police Force (SPF) in 2014. The delivery of the weapons had already been communicated by the Member State to the Committee over a year previously. The FGS included new serial number markings assigned to the weapons along with its report.

27. An assessment of these cases shows that the most significant challenges to FGS compliance relate to

- deliveries by-passing Halane as the agreed point of arrival;

- poor coordination between the donor Member State, the recipient security force and the ONSA responsible for liaison with the Committee;

- lack of consultation by the Member State with the ONSA resulting in both the Member State and the FGS submitting notification for the same deliveries;

Assistance to FGS security forces not notified to the Committee

28. In March 2016 the Committee clarified that support for the development of the FGS security forces may include, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military, policing (including coastguard) or security operations). All this materiel must be the object of an advance notification in order for it to be lawfully supplied.[529] Nevertheless, during the mandate, FGS security forces received materiel and support which was not

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[529] See, Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions, 14 March 2016 (hereafter IAN No. 2), paragraph 10.

notified to the Committee. The bulk of this non-notified support was provided in the form of non-lethal materiel and other support such as salaries, stipends, building infrastructure (including the construction of training centres), military clothing and the delivery of SNA, SPF and National Intelligence and Security Agency (NISA) by Member States and the UN. Although in some cases, the lack of notification to the Committee did not appear deliberate—some of the contributions were widely reported—the persistent lack of notification of these forms of support remains of concern to the Group.

Transfer of materiel between the FGS and other Somali security sector institutions

29. The arms embargo does not permit onward transfer of materials provided to FGS security forces under the partial lift to non-FGS forces.[530] In March 2016 the Committee clarified that it was "the sole responsibility of the FGS to inform the Committee of which entities are regarded as forming the Security Forces of the FGS" (paragraph 12).[531] One challenge arising as a result of the progressive but erratic integration of forces, however, is determining at what point personnel constitute FGS security forces. In one case, for example, the FGS transferred uniforms to a regional authority for personnel in Puntland who had been identified for future integration: it was not clear however that these forces in fact formed part of the FGS security forces at the moment of the transfer.

SEMG conclusions and recommendations

30. The SEMG has assessed all notifications and information on deliveries transmitted to the Committee since the passage of resolution 2093 (2013) and shared a table of this data with the FGS. Between the the partial lifting of the arms embargo in 2013 and 1 September 2016, the FGS and Member States submitted advance notifications and/or received approximately 20,679 weapons and 13,007,276 rounds of ammunition.[532]

31. In making this calculation, where there was a discrepancy in volumes of materiel between that notified and delivered, the SEMG used the delivery confirmation numbers. As not all delivery confirmations have been submitted, however, it is unclear that all this materiel has arrived in Somalia. In addition, some donations were notified late in the mandate, and although scheduled to have been received by the FGS before 1 September 2016, may not yet have been delivered.

32. The SEMG recommends that the Council once again urge the FGS to improve the timeliness and sufficiency of post-delivery confirmations and post distribution reports as a condition of the renewal of the partial lift. In addition, the SEMG suggests that a modification be considered in the way in which the two step post-delivery requirement is fulfilled. The two-step process was conceived in a context of a weapons and ammunition management framework which identified Halane armoury as the first point of arrival (post-delivery confirmation) with subsequent onward distribution to a particular force or unit (post distribution information). Further to consultation with experts working closely with the FGS, the SEMG suggests that a formula be considered in which the FGS could provide post distribution information to the Committee on a periodic basis—such as in its six monthly report the Council pursuant to paragraph 9 of resolution 2142 (2014). This would be both practical and tend to enhance compliance.

33. The leadership of the FGS security forces is not fully aware of the range of the situations in which notifications to the Committee are required.[533] The SEMG recommends that briefings be conducted for the heads of all FGS security forces, and other entities within the security sector architecture, on the scope of the arms embargo, the partial lift and related exemptions. The Secretariat to the Committee has offered to assist with this.

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[530] Resolution 2244 (2015), paragraph 5.

[531] IAN No. 2, op cit.

[532] Clarification: In S/2015/801 the SEMG reported that Government security forces were expected to have received more than 17,500 weapons and almost 9 million rounds of ammunition since the partial lifting of the arms embargo. These figures were compiled based on previous reporting and may have been the subject of conflated parameters: some materiel notified prior to the partial lift but delivered post may have been counted twice.

[533] Series of conversations with international advisors engaged with the FGS security sector, March to August 2016.

34. Neither do Member States appear to be fully cognisant of the scope of notification requirements. This confusion persists notwithstanding the Committee's publication of the IAN (No. 2). The SEMG therefore recommends that the Council consider recalling the requirement that non-lethal support such as salaries, stipends, building infrastructure, military clothing and training, to FGS security forces must be appropriately notified, in its next resolution, referencing the clarification made by the Committee IAN (No.2) at paragraph 10.

35. Member States can also play role in facilitating and supporting the FGS to comply with its obligations relating to notifications under the partial lift. Although the FGS has the primary obligation to notify the Committee of expected deliveries of materiel and support for its forces, Member States or the international organisation which responsibilities are engaged by the delivery of the assistance, may also make an advance notification "in consultation" with the FGS.[534] As noted above, in seven cases during the mandate it was the donating Member State which itself made the advance notification.

36. In a number of these cases, however, it appears that the FGS had not been given any information regarding the donation—or at least the ONSA had not been made aware. In one case the FGS told the SEMG that neither the head of the security force to which donation had been made, nor the ONSA had any information about the weapons and ammunition notified. In resolution 2244 (2015) the Council specifically underlined the importance of Member States "coordinating with the Office of the National Security Adviser of Somalia, which coordinates FGS reporting obligations to the Security Council pursuant to the notification procedures set out in paragraphs 3 to 7 of resolution 2142 (2014)".[535] It would be helpful if the Council reiterated the value of supporting the ONSA in facilitating FGS compliance.

37. At the same time, there was an overall improvement in the quality of Member States support to the FGS to ensure compliance with notification requirements. There was only one double superfluous advance notification by both the FGS and Member States during the mandate, indicating improved coordination—last mandate there were six such cases. Further, a number of other situations which arose last year where FGS compliance was impeded by Member States—such as failure to provide sufficient documentation, the provision of partial shipments, second hand or faulty equipment, or unmarked weapons—did not reoccur.[536]

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[534] As reaffirmed in resolution 2244 (2015), paragraph 8.

[535] Resolution 2244 (2015), paragraph 9.

[536] See S/2015/801, annex 7.2.

Annex 8.3: Compliance with obligations relating to provision of materiel or other support to "Somali security sector institutions" pursuant to paragraph 11 (a) of resolution 2111 (2013)

38. During 2014 and 2014 the SEMG received information on flows of materiel and support from Member States and other entities to Somali security sector institutions other than the security forces of the Federal Government of Somalia (FGS)[537], which were not notified to the Committee as required pursuant to paragraph 11 (a) of resolution 2111 (2013).[538] Subsequently in resolution 2244 (2015), the Council underlined "the need for Member States to strictly follow the notification procedures for providing assistance to develop Somali security sector institutions."[539]

39. During the current mandate the SEMG continued to receive reports of the provision of support and materiel—including payment of stipends/salaries, donation of vehicles, building of security sector infrastructure, and supply of weapons and ammunition—to, *inter alia*, Somaliland, Puntland, the Interim Jubba Administration (IJA), and the Interim South-West State Administration (ISWA) security sector institutions and other forces by Member States, non-governmental organisations (NGOs) and UN entities.[540] Some of these transfers were widely publically reported, and some were made in the context of the conflict against A-Shabaab.[541] Member States have clearly determined that there is a need to provide targeted support to non-FGS security forces, including in the context of the conflict on Al-Shabaab.[542] Nevertheless, once again during the mandate, the requirements of the arms embargo governing the provision of this support were rarely met..[543]

40. Between 31 August 2015 and 1 September 2016 only three notifications for Committee's consideration were submitted, solely with respect to support to Somaliland security sector institutions.[544] All were submitted by the same Member State. At the same time, only one regional entity—again Somaliland—sought advice from the SEMG and the Committee on modalities for compliance with the arms embargo, in this instance with respect to its proposed creation of an Oil Protection Unit.[545] Other entities did not appear to be aware that there was a procedure for lawful import of weapons and other materiel or that they might be able to seek approval for other forms of support such as stipend payments or the provision of building infrastructure.

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[537] See section 10, paragraph (h) of the Guidelines of the Committee for the Conduct of its work as consolidated, revised and adopted by the Committee on 30 March 2010, 30 May 2013, 27 November 2013 and 25 March 2014 (hereafter, Committee Guidelines) available at https://www.un.org/sc/suborg/en/sanctions/751/guidelines.

[538] S/2015/801, annex 7.2.

[539] Resolution 2244 (2015), paragraph 9. Forces outside the command of the FGS are not just a transitional reality. Even upon completion of the process of demobilisation and integration of FGS security forces it is envisaged that a, "lawful regional authority" may establish or continue to control regional security forces. See, FGS, Strategic framework for the management of security forces and militia integration and demobilisation, draft 1 February 2015, on file with the Monitoring Group.

[540] Conversations with security experts, regional Government officials, officials of Member States, and NGO staff members, July to August 2016.

[541] See, for example, the handover of military vehicles to ISWA. Mogadishu Centre, The United Arab Emirates handed over transportation, pictures, 18 Jan 2016, available at http://mogadishucenter.com/English/2016/01/18/the-united-arab-emirates-handed-over-transportation-pictures/.

[542] The June 2016 African Union Mission in Somalia (AMISOM) Con-Ops for example specifically provides that Sector Commanders are to consult with regional administrations on the use of regional forces in AMISOM Joint Operations to ensure security, and that they can be the object of logistical and other support. AMISOM Strategic Concept of Operations – June 2016, archived with the Secretariat. The arms embargo does not apply to supplies of weapons or military equipment or the provision of assistance intended solely for the support of, or use by, AMISOM's strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012 (or subsequent AU strategic concepts), and in cooperation and coordination with AMISOM, resolution 2111 (2013), paragraph 10 (c).

[543] Further challenging compliance, certain types of support may not even come within the scope of available exemptions, although the Committee has not yet been asked to make this determination. See discussion below.

[544] The Committee approved all deliveries.

[545] See S/2014/747, annex 6.7 and correspondence between Somaliland officials and the SEMG August 2015 to April 2106.

41. In all of these circumstances, the case of Puntland is instructive, reflecting both the need which has evolved for support to regional forces which are on the front line of the fight against Al-Shabaab, and ISIS-aligned elements, and the practice in which such support has evolved outsight Committee oversight.

Support to Puntland forces

Puntland Maritime Police Force (PMPF)

The Monitoring Group first reported on the inception of what would later become Puntland Maritime Police Force (PMPF) in its 2011 final report when it described the arrival in Puntland of Saracen International Ltd., a company backed by Blackwater founder Erik Prince, staffed by South African military trainers, and funded by the United Arab Emirates.[546] "Saracen's operations since May 2010", the SEMG concluded in 2011, "represent a significant violation of the general and complete arms embargo on Somalia".[547]

According to senior PMPF officials interview by the SEMG in April 2016, the force now consists of close to 1,000, with each marine receiving a salary of USD 240 per month.[548] The PMPF maintains eight bases in Puntland, at Bosaso, Hafun, Iskushuban, Eyl, Bargal, Garowe, Galgala, and Sugure; the force's leadership is also planning to establish a base in Garacad.[549]

The Monitoring Group assesses the PMPF to be an effective force that provides Puntland with a much-needed maritime presence. However, the Group notes with concern that the United Arab Emirates (UAE) continues to provide funding to the PMPF but has not sought the Committee's approval. The SEMG was unable to determine the extent of this breach since the UAE has repeatedly denied the access to the base to the Group or failed to respond to its requests for information. The SEMG conducted missions to Bosaso on 21-25 February and 10-17 April 2016. On both occasions, the Group had been granted permission to visit to the PMPF base by the Office of the President of Puntland; subsequently, PMPF officials in Bosaso informed the Group that they were not able to grant access to the base due to the objections of UAE advisors present.

In its correspondence to the UAE dated 22 August 2016, the SEMG requested access to the PMPF base and the details concerning the amount and nature of the assistance to the PMPF from the UAE, but has yet to receive a response.

Annex 8.10 (Figure 1) provides two satellite images of the PMPF base in Bosaso, showing the development of the compound during the present mandate; Figure 2 provides an organizational chart of the PMPF's leadership.

The Puntland Security Forces (PSF)

The Puntland Security Forces (PSF) is an elite counterterrorism unit created in 2009 and based in Bosaso, trained and assisted by the United States. According to a senior PSF commander, the force consists of 500 troops.[550]

During two of its missions to Bosaso, from 21-25 February and 10-17 April 2016, the Monitoring Group was on both occasions granted access to the PSF base. On 24 February 2016, the PSF facilitated a highly informative visit by the SEMG to Galgala town, previously the headquarters of the Al-Shabaab insurgency in Puntland's Golis Mountains. While the Monitoring Group holds the PSF to be an effective unit that contributes to the maintenance of peace and security in Puntland, it also notes with concern that the United States has not sought the Committee's approval for such support. On 25 August 2016, the Group sent official correspondence to the United States requesting details on the amount and nature of its support to the PSF since the PSF's creation, but as of this printing had not received a response.

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[546] S/2011/433, annex 6.3.

[547] Ibid.

[548] Details on the PMPF's current strength and operations were provided by interviews with two senior PMPF officials in Bosaso, 16 April 2016. Conversely, in a 17 August 2016 letter to the SEMG from the Office of the President of Puntland estimated the PMPF to number only 600 marines.

[549] Garacad was one of two locations on Puntland's coast targeted by Al-Shabaab during the group's March 2016 amphibious assault into the region (see annex 1.5).

[550] Conversely, in a letter to the SEMG dated 17 August 2017, the Office of the President of Puntland estimated the PSF to consist of between 600 and 700 members.

Annex 8.10 (Figure 3) provides a satellite image of the PSF base in Bosaso.

SEMG recommendations

42. There are a number of areas where the SEMG recommends the Council can encourage better compliance and improve its oversight of weapons and ammunition flows and other forms of support to non-FGS entities. The first is to consider clarifying the scope of the exemption in paragraph 11(a), both in terms of the entities which may be the subject of an exemption and the scope of the materiel or assistance which may be transferred. The second is for the Committee to require the supplying Member State or international organisation, when making a request to the Committee, to provide additional information on the background to the rationale for the request and on procedures in place for eventual management of the materiel. The Council could also request that it be informed of delivery.

Scope of the exemption

"Somali security sector institutions"

43. The scope of "Somali security sector institutions" has not been defined by resolution or practice. To date the Committee has only approved transfers of materiel and support to forces associated with the authorities of Puntland and Somaliland.[551] As no other forces have been the subject of notifications, however, the Committee has not yet had the opportunity to determine whether or not the provision applies to other entities.

44. There was one instance during the mandate where a donation of non-lethal materiel intended for distribution to Federal, IJA, Interim South West Administration (ISWA) and Puntland police forces was notified to the Committee by the donor Member State under a 'for information notification' pursuant to paragraph 4 of 2142 (2014). As the end user certificate indicated that the FGS Ministry for Internal Affairs was the recipient and not regional authorities, the notification procedures under the partial lift were applied. The Committee thus did not have an opportunity to determine the applicability of paragraph 11 (a).[552] The FGS has indicated to the SEMG that these materials were transferred as planned to the four forces.[553] As support to non-FGS security forces expands—in August 2016 for example discussions were underway for salary/stipend support to ISWA regional forces[554]—it is likely that these scenarios will be repeated.[555] The FGS has repeatedly asserted to the SEMG that the FGS should be the focal point for the provision all support to Somalia, whether under the partial lift or under paragraph 11 (a).[556]

45. If entities are part of the FGS security forces, support must be notified under the procedures pertaining to the partial lift. In March 2016 the Committee clarified that it is the sole responsibility of the FGS to inform the Committee of which

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[551] Non-lethal materiel and assistance to security forces operating in Somaliland and Puntland which has comprised the bulk of the material notified under paragraph 11 (a).

[552] It was not clear from the information provided in the context of IJA and ISWA as to whether the material was intended for units of FGS police forces operating in those areas or of regional forces, and if the latter, the extent which memoranda of understanding or other agreements bring these forces within the authority of the FGS.

[553] Conversation with government official, 5 August 2016.

[554] Interview military expert, Mogadishu, 5 September 2016.

[555] In 2015, for example, the FGS twice attempted to "notify" receipt of restricted materiel by forces not recognised as under its command, in Somaliland and associated with the Interim Jubba Administration.

[556] Most recently, Skype discussion with FGS officials, 15 September 2016.

entities are regarded as forming the security forces of the FGS.[557] In resolution 2244 (2015) the Council particularly directed the FGS to provide full and accurate information on "the status of **regional** and militia forces (emphasis added)" in its reporting to the Council (paragraph 7).

46. Nevertheless, the question of what entities may be considered as "Somali security sector institutions" remains. The SEMG suggests that the Council consider clarifying the scope of 'Somalia security sector institutions' in a way which sets out a threshold definition while emphasising the prerogative of the Committee to determine the scope of the phrase on a case by case basis. A suggested formulation might be:

> "Somali security sector institutions other than those comprised within the FGS Security Forces, organized, and under responsible and identifiable command and control, in particular the forces of entities recognized under the emerging Somali federal architecture, including Somaliland and federal and interim federal Member States, as so determined by the Committee, on a case by case basis."

Categories of materiel and assistance which can be the subject of exemption

47. The SEMG believes that there is also a need to address the scope of the categories of materiel and assistance which can be the subject of exemption under paragraph 11 (a) of resolution 2111 (2013). The language of Resolution 2111 (2013) makes a distinction between the types of support which can be extended to FGS security forces under the partial lift and those which can be exempted for 'Somali security sector institutions'.

48. With respect to FGS security forces, "deliveries of weapons or military equipment or the provision of advice, assistance or training" may benefit from exemption under the partial lift if correctly notified.[558] In its Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions (hereafter IAN No. 2), the Committee clarified that the scope of this phrase includes, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military, policing (including coastguard) or security operations).[559] With respect to "Somali security sector institutions", however, although the formulation of the exemption is similar, the terms "advice" and "assistance" have been replaced by "technical assistance" viz., "[s]upplies of weapons or military equipment and technical assistance or training".

49. As a result, it is not clear that the provision of financial support/payment of stipends to security forces, or the supply of materiel beyond military equipment (such as building infrastructure) can be exempt from the arms embargo. As noted above, however, due to the fact that donors generally do not engage with the Committee on prospective support to non-FGS forces there have been few opportunities for the Committee to build an interpretative practice in this regard.

50. It would seem anomalous however, that an exemption can be sought for the provision of weapons or other equipment to a "Somali security sector institution" but not for the provision of non-lethal equipment or support for the payment of stipends which may be critically needed. In Somaliland and Puntland, for example, the UN currently pays stipends to formed police units—the Special Protection Units—which provide essential protection, *inter alia*, to humanitarian operations. In the absence of an ability to notify these contributions these entities are technically in violation of the arms embargo.

51. The SEMG therefore suggests that the Council consider a reformulation of paragraph 11 (a) which would provide a modality for the types of support currently being provided to non-FGS security sector institutions by Member States and the United Nations to come into legality through appropriate notification.[560]

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[557] See, Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) Implementation Assistance Notice No. 2, Summary of arms embargo restrictions in place for Somalia and Eritrea, including exemptions, 14 March 2016 (hereafter IAN No. 2), paragraph 12.

[558] Resolution 2142 (2014), paragraph 2.

[559] Op cit., paragraph 10.

[560] In IAN No. 2 the Committee clarified that in the context of the partial lift and support for the development of FGS Security Forces the types of assistance which may be permitted when subject to a 'for information' notification

Scope of information required

52. The SEMG recommends that the Committee consider augmenting the scope of information which must be included when submitting a notification for Committee's consideration under paragraph 11 (a).[561] Such information could include, for example, the structure, composition and command of the concerned entity, the rationale for the provision of support or materiel, and the procedures in place for weapons and ammunition management. This would permit the Committee to make a more informed decision on the request and allow for greater oversight of flows of lethal and non-lethal support to Somalia's growing parallel security sector.

53. Further, neither the "Somali security sector institution" receiving the materiel or assistance pursuant to paragraph 11 (a), nor the supplying Member State or international organisation, are currently required to provide any information on the delivery or receipt of weapons and ammunition. The SEMG recommends that the Council consider imposing a requirement in this regard. This would seem to be an important element of Committee oversight on weapons flows within Somalia.

54. Finally, the SEMG notes that the FGS has expressed increasing concern about the provision of restricted materiel and assistance to non-FGS forces. It argues that its sovereignty and overall responsibility for control of weapons and ammunition in Somalia and national security more broadly, requires that it be advised of prospective imports proposed under paragraph 11 (a) and that it be given an opportunity to provide its views on the impact of such a supply in terms of peace and security. The SEMG also notes that on two occasions during the mandate a Member State accompanied its notification for consideration under paragraph 11 (a) with a note that the Member State had "shared its intention to provide this support with the Office of the National Security Adviser of the Federal Government of Somalia who raised no objection" but it did not continue the practice in its third notification.

55. The Monitoring Group recommends therefore that the Security Council amend paragraph 11 (a) of resolution 2111 (2013) which describes exemptions for the provision of support to Somali security sector institutions to reflect the following elements

- clarification of which institutions may be considered as Somali security sector institutions including consideration of the following formula: "Somali security sector institutions other than those comprised within the FGS Security Forces, organized, and under responsible and identifiable command and control, in particular the forces of entities recognized under the emerging Somali federal architecture, including Somaliland and federal and interim federal Member States, as so determined by the Committee, on a case by case basis."

- reformulation of the scope of the categories of materiel and assistance which can be the object of exemption to reflect current practice and the evolution of the security sector on the ground, in particular to ensure that in addition to supplies of weapons or military equipment and technical assistance or training, other forms of assistance, such as stipends and salaries, and the building of infrastructure, can also be provided.

- Imposition (by the Committee) of an expanded information requirement for notifications pursuant to paragraph 11 (a) including descriptions of structure, composition and command of the force receiving the support, the rationale for the request, and information on weapons and ammunition management procedures, in order for the Committee to make a more informed decision;

- requirement that a copy of each notification submitted pursuant to paragraph 11 (a) to be provided to the FGS for its information.

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include, *inter alia*, building infrastructure and provision of salaries and stipends (whether intended for military, policing (including coastguard) or security operations). The wording of paragraph 11 (a) would not however seem to permit such an interpretative clarification and an amendment of the provision by Council resolution would be required.

[561] For current requirements see Committee Guidelines paragraph 10 (g) – (j) inclusive.

Annex 8.4: Maritime interdiction of arms and ammunition

56. The SEMG monitored the following three cases involving potential illegal weapon smuggling activities involving stateless dhows transporting weapons, destined for Somali or using Somalia as a transit point:

- on 06 March 2016 the HMAS Darwin of the Royal Australian Navy seized a significant quantity of weapons from a dhow approximately 170 nautical miles' km (313 kilometres) off the coast of Oman, heading for Somalia;[562]
- on 20 March 2016 the French naval destroyer FS Provence seized a significant quantity of weapons from a stateless dhow in the northern Indian Ocean, heading towards Somalia;[563] and
- on 28 March 2016 the US Navy Coastal Patrol ship USS Sirocco seized a significant quantity of weapons from a dhow transiting international waters in the vicinity of the Gulf of Oman, bound for Yemen.[564]

57. These operations were conducted by the Combined Maritime Forces (CMF).[565] The CMF has been instrumental in intercepting illegal weapons in a heavily trafficked area which includes the Persian Gulf, Strait of Hormuz and northern Arabian Sea. The seized weapons consisted of a variety of weapons systems which include: AK-47 type assault rifles, PKM general-purpose machine guns, RPG-7 rocket propelled grenade launchers, 60mm mortars, DshK 12.7 mm heavy machine guns, Hoshdar (Dragunov) sniper rifles, and Kornet anti-tank rockets, with AK-47 automatic assault rifles common to all three cases.

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[562] "HMAS Darwin seizures large weapons of cache", 6 March 2016, available from https://combinedmaritimeforces.com/2016/03/06/hmas-darwin-seizes-large-weapons-cache/

[563] "French ship Provence seizures large weapons cache", 28 March 2016, available from https://combinedmaritimeforces.com/2016/03/28/french-ship-provence-seizes-large-weapons-cache/

[564] S. LaGrone, "US Navy seizes suspected Iranian arms shipment bound for Yemen", USNI News, 4 April 2016, available from https://news.usni.org/2016/04/04/u-s-navy-seizes-suspected-iranian-arms-shipment-bound-for-yemen.

[565] The Combined Maritime Forces (CMF) is a multi-national naval partnership which was established in 2002 and consists of 31 members. A U.S. Navy Vice Admiral, who also serves as Commander US Navy Central Command and the US Navy Fifth Fleet, commands the CMF, with all three commands co-located at US Naval Support Activity Bahrain.

Annex 8.4.a: HMAS Darwin

Figure 1: Quantity of weapons seized by HMAS Darwin

Name/size of weapon	Type of weapon	Quantity Seized
AK-47	assault rifle	1,989
RPG-7	rocket propelled grenade launcher	100
PKM	general purpose machine guns	49
	spare barrels	39
60 mm	mortar tubes	20

Figure 2: Weapons seized by HMAS Darwin

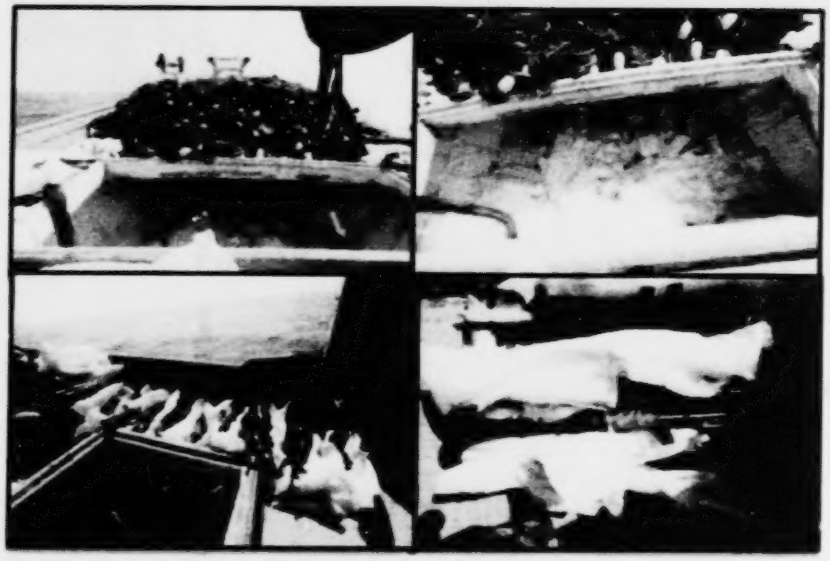


Figure 3: Seized weapons on board HMAS Darwin

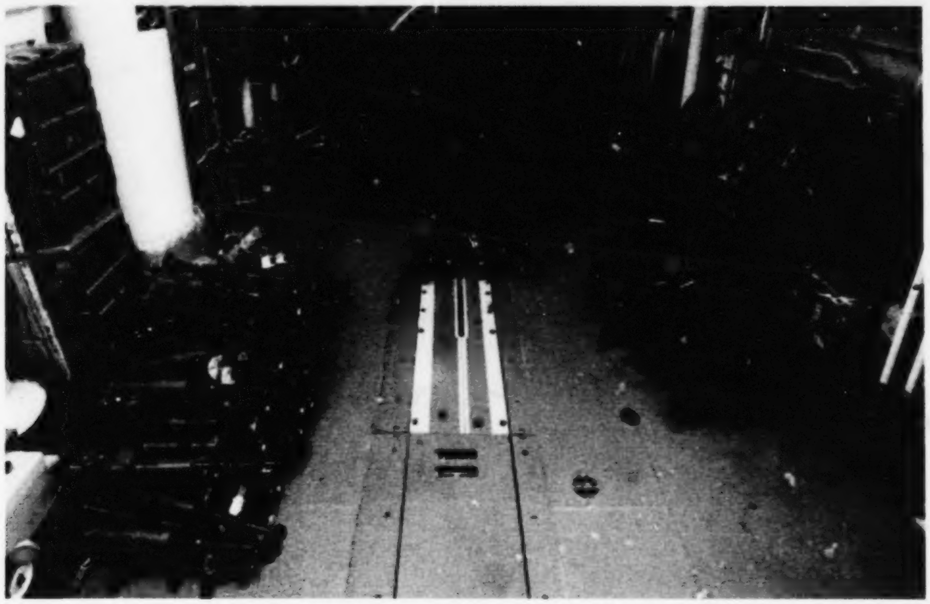
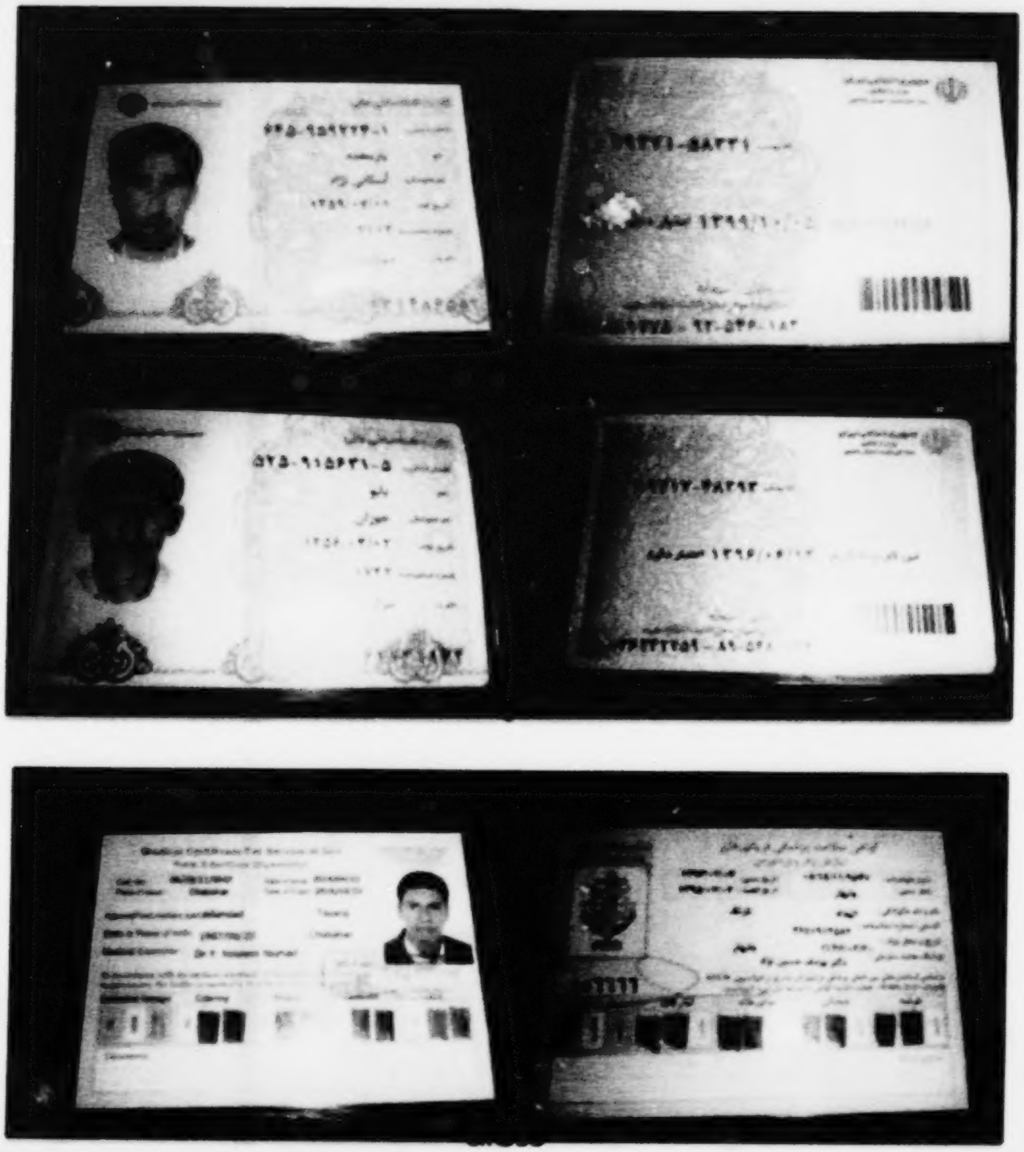


Figure 4: Identification documents of Iranian crew on board the dhow transporting weapons seized by HMAS Darwin



Annex 8.4.b: USS Sirocco

Figure 5: Quantity of weapons seized by USS Sirocco

Name/size of weapon	Type of weapon	Quantity seized
AK-47	assault rifle	1,500
RPG-7, RPG-7V	rocket propelled grenade launcher	200
DshK 12.7 mm	machine gun	21

Figure 6: USS Sirocco and the stateless dhow (Adris) from which the illegal weapons were seized

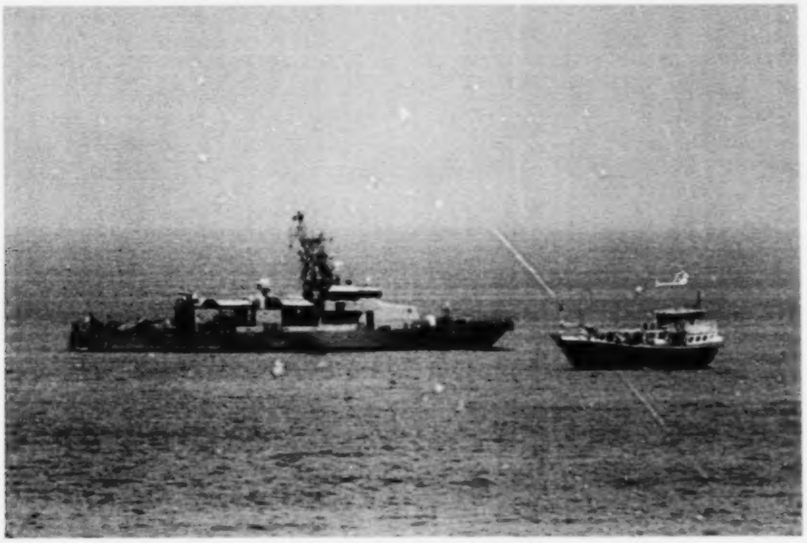
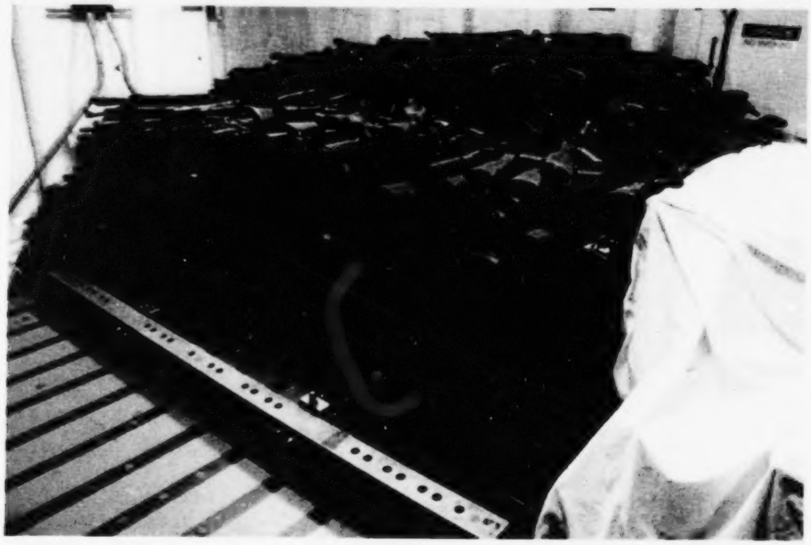


Figure 7: Seized weapons on board USS Sirocco

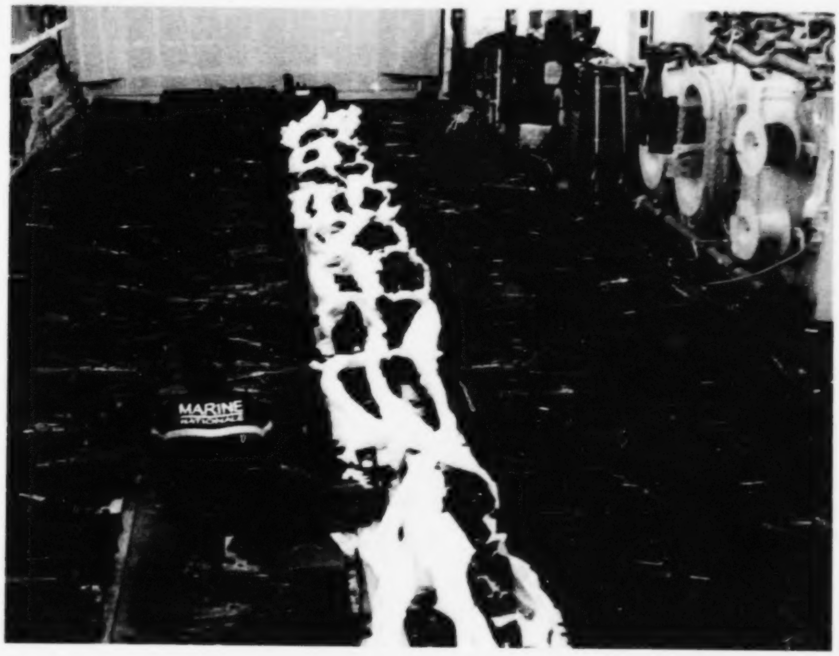


Annex 8.4.c: FS Provence

Figure 8: Quantity of weapons seized by FS Provence

Name/size of weapon	Type of weapons	Quantity seized
AK-47	Assault rifle	2,000
Hoshdar-M	sniper rifle	64
Type-73	general purpose machine gun	6
Kornet	guided anti-tank missile	9

Figure 9: Seized weapons on board FS Provence



Annex 8.5: The Maydh arms smuggling case (STRICTLY CONFIDENTIAL)[*]

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[*] The annex has not been reproduced in the present document because it is strictly confidential.

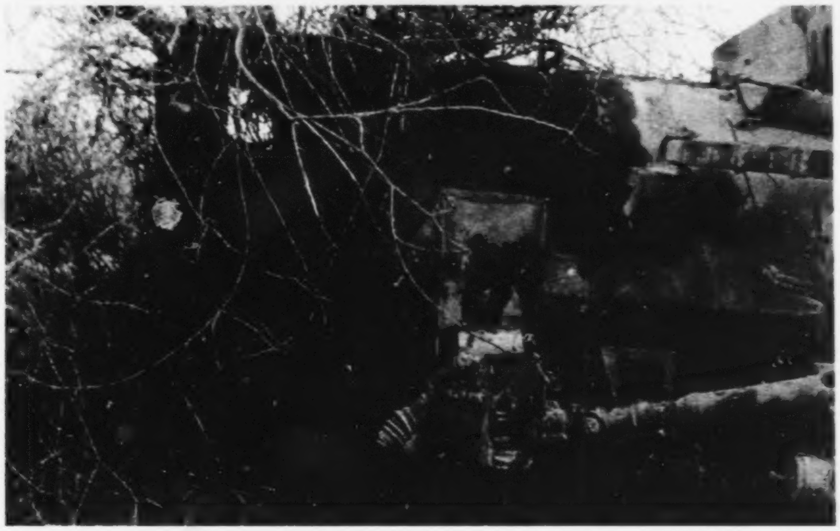
Annex 8.6: Improvised Explosive Devices (IEDs)

Annex 8.6.a: IEDs used in Somalia

58. During its mandate the SEMG obtained information from a number of sources on the introduction of sophisticated improvised explosive device (IED) technology in Somalia, together with the presence of a number of foreign IED trainers with experience gained in conflict zones such as Afghanistan, Iraq, Syria, and Yemen.[566] This is significant, as this apparent transfer of skills and technology from other conflict zones may potentially add a new dimension to the security situation and dynamics in Somalia and the region.

59. One example is the reported use of a particularly lethal type of IED called an Explosively Formed Penetrator (EFP) in an attack in Afmadow during the course of 2016.[567] The EFP is a lethal IED with the capacity, due to its unique configuration, to penetrate and destroy armoured vehicles; it has been used with devastating effect in conflict zones such as Iraq and Afghanistan.[568][569] The EFP is particularly effective against relatively lightly Armoured Personnel Carriers (APCs).[570]

Figure 1: Suspected explosively formed penetrator (EFP) IED used in an attack in Afmadow



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[566] Information from UN sub-contractor and field investigations in Lower Juba and Middle Juba, February and March 2016.

[567] UN explosives technical expert, Kismayo, Somalia.

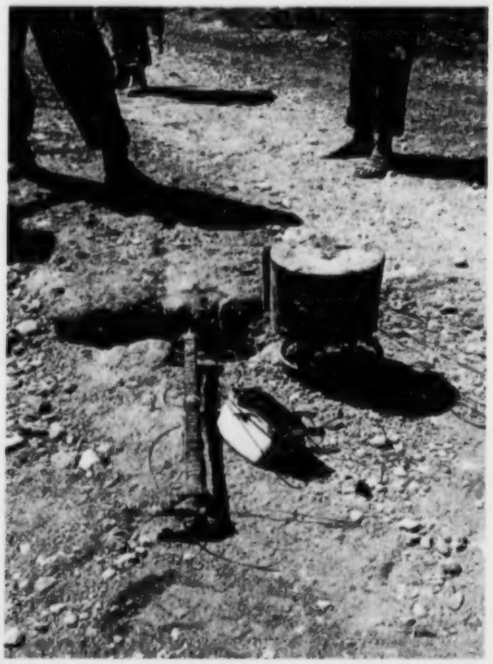
[568] Gregg Zoroya, "How the IED changed the U.S. military", *USA Today*, 19 December 2013. Available from http://www.usatoday.com/story/news/nation/2013/12/18/ied-10-years-blast-wounds-amputations/3803017/.

[569] Rick Atkinson, " The single most effective weapon against our deployed forces", *Washington Post*, 30 September 2007. Available from http://www.washingtonpost.com/wp-dyn/content/article/2007/09/29/AR2007092900750.html.

[570] Fred Burton, Strafor, 11 April 2007. Available from https://www.stratfor.com/imminent_spread_efps.

60. In addition to the introduction and use of EFPs, other new and sophisticated IED technology has been introduced in Somalia during the course of 2016. This includes the introduction of what is described as pressure plate IEDs that were used in an attack near Kismayo airport in February 2016, as well as in Bardera, Gedo in March 2016.[571]

Figure 2: Pressure plate IED used near Kismayo airport, Somalia



61. This particular type of IED appears to be similar to those subsequently seized by the Kenyan security forces during operations in the Boni Forest, Lamu County.[572] This would appear to indicate that IED experts and hardware have been crossing the border and were active in both countries.

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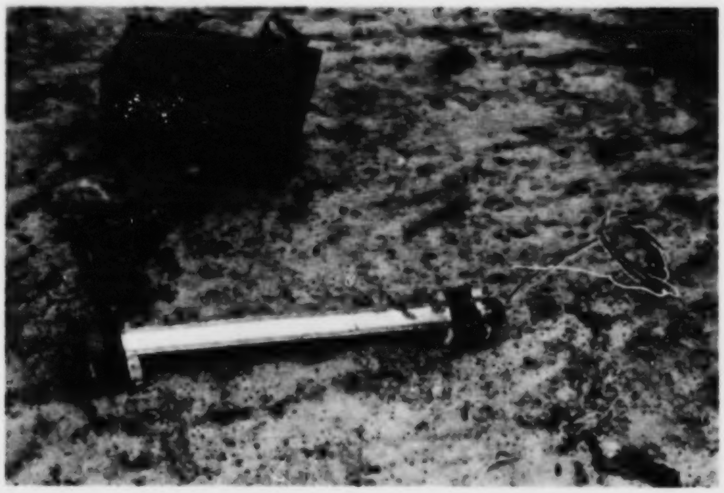
[571] UN explosives technical expert, Kismayo, Somalia.

[572] Interview with Kenyan security services official, June 2016.

Figure 3. Pressure plate IED used in Boni forest, Kenya



Annex 8.6.b: Projected IED threats to regional civil aviation

62. The SEMG has received information indicating that an IED similar to that used in the February 2016 Daallo airlines attack, had also been seen in Iraq.[573] This is consistent with the assessment of technical and explosives experts who investigated the IED used in the Daallo attack, and who concluded that it was likely constructed with external assistance.[574]

63. The implications of this development are serious for aviation security. Together with the foiled attack at Belet Weyne airport on 07 March 2016, it may indicate a concerted effort and deliberate strategy by Al-Shabaab to develop the capacity to attack civil aviation targets in Somalia.[575] The IEDs used in the foiled Belet Weyne attack were reportedly hidden in a computer as well as a printer, indicating a level of skill and sophistication with the potential to change the security dynamics in Somalia. [576] It is currently not known if Belet Weyne airport was the final target of this plot, or whether the IEDs were to be transferred to Aden Adde International Airport in Mogadishu. The consensus amongst experts appears to be the latter rather than the former.[577]

64. Both confidential and open source information indicates that an Al-Shabaab training camp in Middle Juba, Somalia was established in late 2015 to train operatives in attacking civil aviation targets.[578] The SEMG also received information from regional experts indicating that Al-Shabaab is particularly good at copying tactics, techniques, and procedures used by other terrorist groups, and in adapting and introducing these techniques within Somalia.[579] This ability to learn, adapt

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[573] Email communication, explosives technical expert based in Baghdad, Iraq, 15 April 2016

[574] Interview, explosives technical expert, Mogadishu, 4 February 2016

[575] "Somalia's Beledweyne airport hit by laptop bomb", *BBC News*, 7 March 2016. Available from http://www.bbc.com/news/world-africa-35744737.

[576] Ibid.

[577] Interviews with explosives technical experts based in Kismayo and Mogadishu

[578] "Seizure of IEDs in Mogadishu indicates Al-Shabaab capable of targeting aviation, tourism in Somalia and Kenya", *IHS Jane's Country Risk Daily Report*, 17 May 2016. Available from http://www.janes.com/article/60387/seizure-of-ieds-in-mogadishu-indicates-al-shabaab-capable-of-targeting-aviation-tourism-in-somalia-and-kenya

[579] Information provided by confidential UNMAS interlocutor

and evolve makes a group such as Al-Shabaab a particular challenge for the security forces in Somalia. Contrasting with Al-Shabaab's adaptability, conventional land forces, such as those making up AMISOM, have found it difficult to adjust to the challenges of irregular, asymmetrical warfare. It is therefore assessed that the increased sophistication of IEDs seen in Somalia is likely not only the result of the introduction of foreign experts and new technology, but likely also as a result of the ability of groups such as Al-Shabaab to copy techniques and technology used by groups in other conflict zones.

65. Against the background of the targeting of aviation targets in Somalia, it is noted that ISIL reportedly used a particularly volatile and potent peroxide-based explosive called triacetone tripeoxide (TATP) in the November 2015 Paris attacks, while investigations also revealed that the 22 March 2016 Brussels Airport attackers likely also used TATP.[580] TATP first gained notoriety when Richard Reid, also known as the so-called "shoe bomber", unsuccessfully tried to detonate a TATP explosive device on a Paris to Miami flight in December 2001.[581] While TATP-based devices are rarely seen in conflict zones such as Iraq and Afghanistan because of its unstable nature, and because military-grade explosives are readily available, TATP is particularly well suited for use and concealment in small items such as soda cans or a printer cartridges due to the fact that it can be detonated in such small quantities.[582] Furthermore, conventional explosives detection technology and equipment used at airports mainly focus on detecting nitrogen-based explosives such as RDX, while TATP is a peroxide-based explosive which may evade detection by conventional explosive detection equipment in use at most airports.[583]

66. While there is currently no indication that either Al-Shabaab or ISIL has ever used TATP in Somalia, the reported ability of Al-Shabaab to copy and adapt tactics and techniques from other groups implies that an attempt to use TATP in the targeting of aviation targets in Somalia cannot be ruled out in the future.

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[580] Thomas Gibbons-Neff, "Brussels terrorists probably used explosive nicknamed 'the Mother of Satan'", *The Washington Post*, 23 March 2016. Available from https://www.washingtonpost.com/news/checkpoint/wp/2016/03/23/the-type-of-bombs-used-in-brussels-have-been-seen-before/.

[581] Christopher Cooper, "Reid's Shoe Bomb Was Sophisticated, Like an Explosive Used by Palestinians", *The Wall Street Journal*, 09 January 2002. Available from http://www.wsj.com/articles/SB1010533661808003000.

[582] Neil Collier, "A Signature ISIS Explosive in Europe", *The New York Times*, 20 March 2016. Available from http://www.nytimes.com/video/world/europe/100000004281038/isis-signature-explosive-in-europe.html.

[583] Ibid.

Annex 8.7: Daallo Airlines attack (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 8.8: Illicit arms markets in Somalia[584]

Name	**Type**	**Country of Manufacture**	**Location of Market**	**Price (USD)**
AK 58	Assault rifle	Czech Republic	Mogadishu	450-520
AK 47	Assault rifle	various	Regions	650-700
AK 47	Assault rifle	various	Bosaso	850-1000
9336 Type 56-2	Assault rifle	China	Galmudug	650-700
9336 Type 56-2	Assault rifle	China	Mogadishu	1400-1500
386 Type 56	Assault rifle	China	Mogadishu	1100-1200
AK 47	Ammunition	Various	Mogadishu	1.2
AK 47	Ammunition	Various	Bossaso	1.5

Figure 1: public arms market behind Ministry of Interior and National Security in Mogadishu

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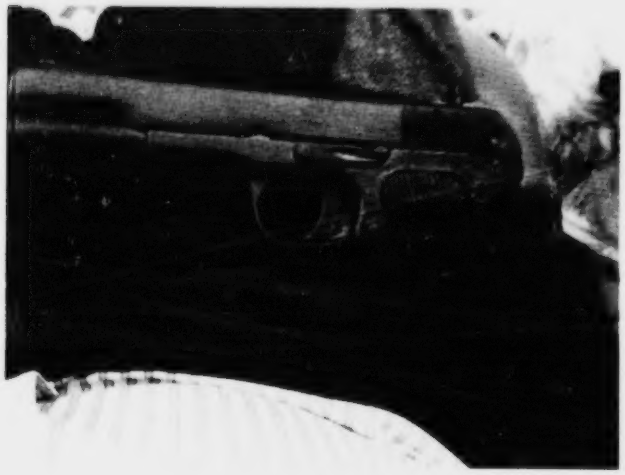
[584] Information based on interviews and email communication with SNA officers, an AMISOM officer, arms market dealers, and a network of informants in Somalia. The Monitoring Group also directly observed arms markets in Mogadishu in February and March 2016 and Bosaso in August 2016.

Figure 2: handgun obtained at public market in Mogadishu, February 2016



Annexe 8.9: Puntland Maritime Police Force and Puntland Security Forces

Figure 1: Satellite images of the Puntland Maritime Police Force (PMPF) base in Bosaso on 16 November 2015 (top) and 8 April 2016 (bottom), highlighting the construction of new structures over the period (coordinates: 11.271206, 49.099084)

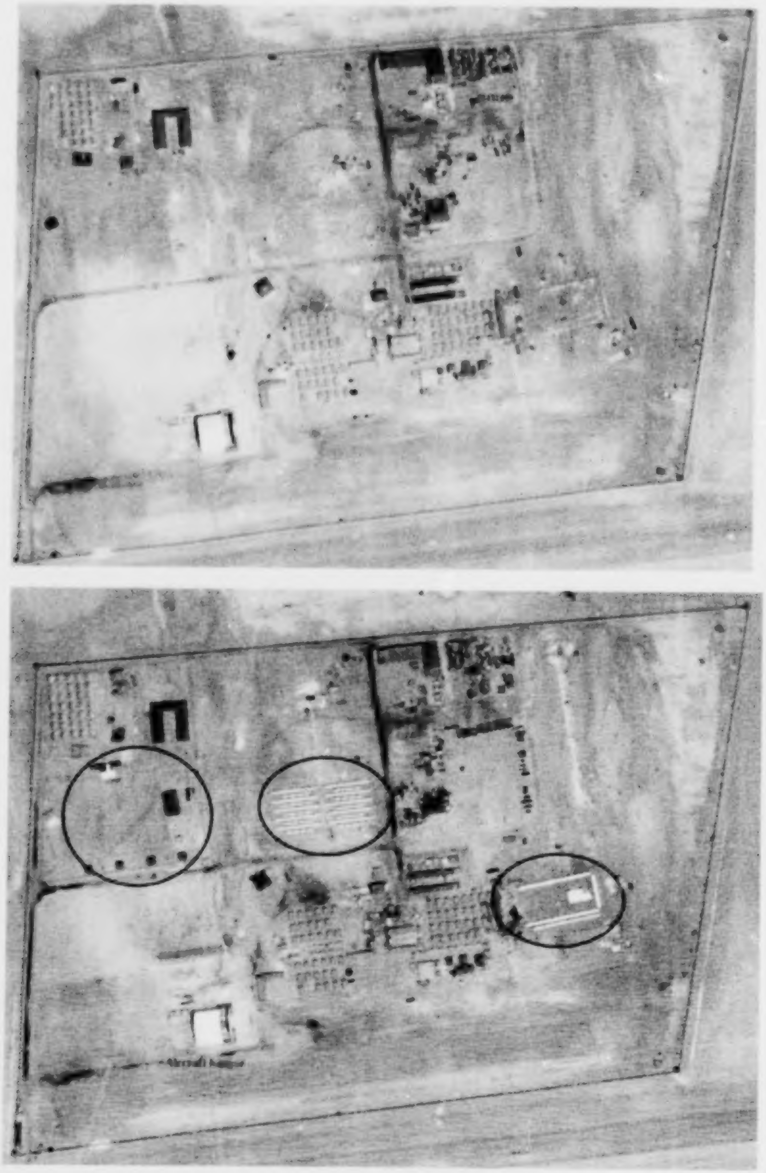


Figure 2: Organizational chart of the PMPF based on open source social media

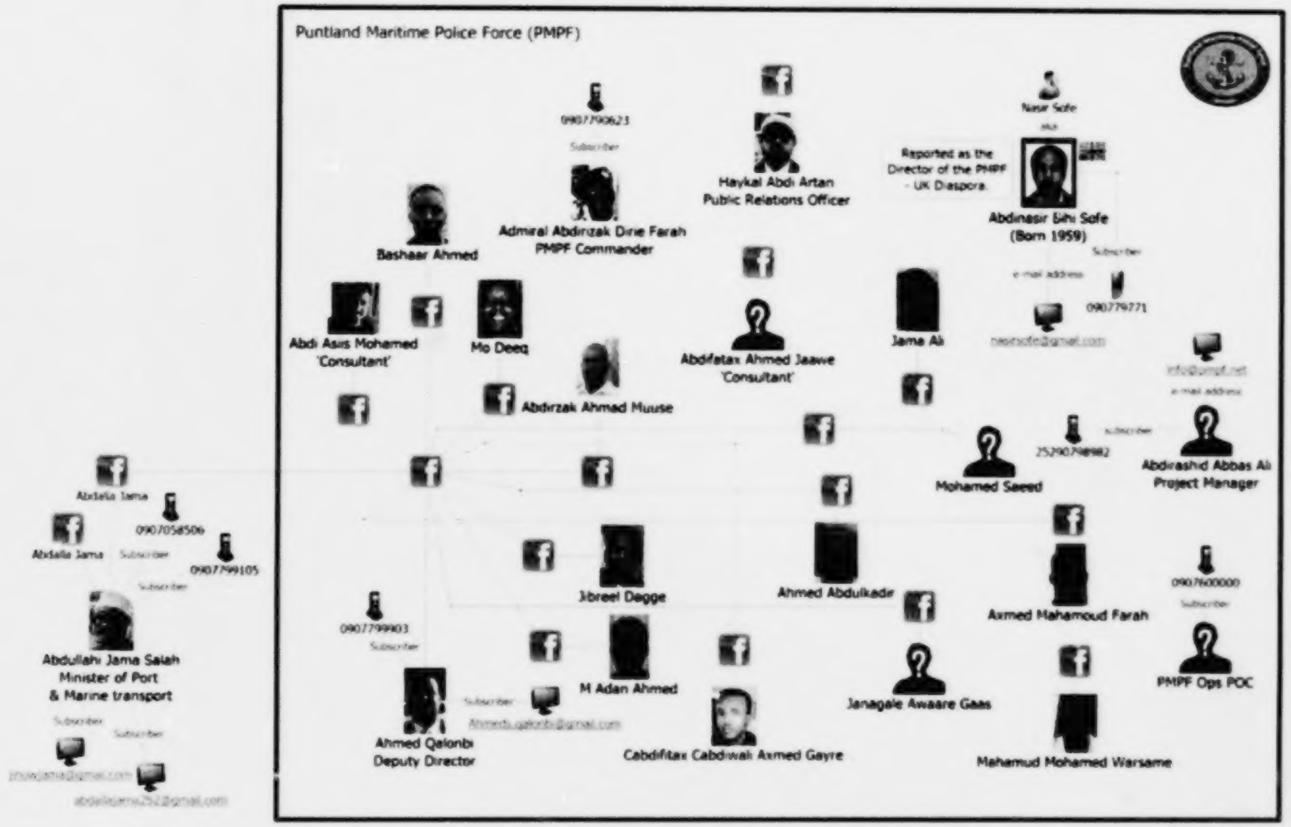
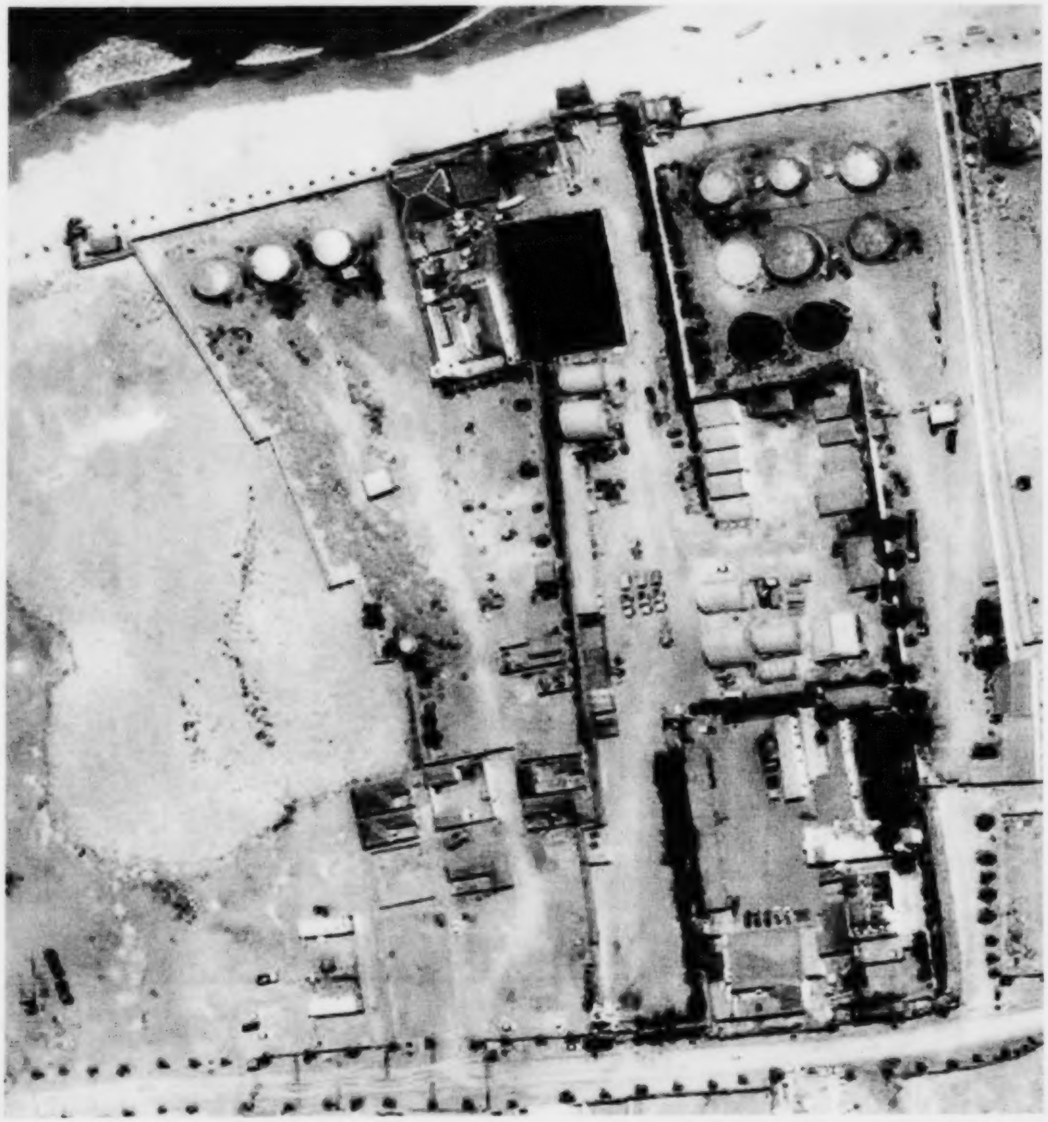


Figure 3. Satellite image of the Puntland Security Forces (PSF) base in Bosaso, 23 July 2016 (coordinates 11.290231, 49.194008)



Annex 8.10: Abdisamed Gallan's insurgency against the Puntland administration and the Qandala-Hafun arms smuggling network

Dismissal of governor of Bari region and the launch of an insurgency

105. From 2011 to 2015, Abdisamed Gallan, a former school teacher, served as governor of Puntland's Bari region, the heartland of his Ali Salebaan clan. In May 2015, Gallan was sacked by Puntland President Abdiweli Mohamed Ali and replaced by Yusuf Mohamed Dhedo.

106. Following violent protests in Bosaso on 1 February 2016, during which a police officer and a protester were killed, Dhedo accused Gallan of having masterminded the unrest. The Puntland security forces subsequently raided Gallan's house in Bosaso, but he escaped before they arrived, fleeing to his clan homeland in Bari region.[585] Gallan told the SEMG that he had played no role in the protests and had been the victim of unprovoked aggression by Puntland forces.[586] Gallan claimed that 200-300 Puntland soldiers surrounded his house and opened fire for between two and a half and three hours, causing the roof of his house to catch fire and collapse, with two of his bodyguards sustaining injuries.[587]

107. On 15 June 2016, Gallan announced local media that he had launched an insurgency with the aim of overthrowing the Puntland administration, which Gallan charged as being dictatorial and unrepresentative of the population.[588] On 21 June, Gallan, at the head of a roughly 175-strong militia, briefly entered the town of Armo, 80 km south of Bosaso, prior to withdrawing (see Figures 3 and 4, below, for photographs of Gallan's militia in Armo). Puntland forces subsequently engaged Gallan's militia 20 km east of Armo, resulting in an unknown number of casualties before clan elders succeeded in mediating a ceasefire.[589] As of the publication of this report, negotiations between the Puntland administration and Gallan were ongoing.

108. Prior to and following the declaration of Gallan's insurgency, three shipments of arms and ammunition arrived in the Qandala area, a port town lying 80 km from Bosaso, inhabited by the Ali Salebaan clan (see "2016 Qandala weapons shipments", below). Some of these weapons were likely used to arm Gallan's militia (see Figure 1).[590]

109. Gallan has received active support from the former pirate and arms dealer Isse Mohamoud Yusuf "Yullux", also a member of Gallan's Ali Salebaan clan. Both Gallan and Yullux are supported by the leader of the pro-Islamic State in Iraq and the Levant (ISIL) faction of Al-Shabaab, Abdulqadir Mumin, who is a cousin of Yullux.[591] Gallan denied having a relationship with "Yullux", though confirmed that some of Yullux's militia had been present during the takeover of Armo on 21 June.[592]

110. While Bari region has never been under the firm control of the central Puntland authorities, Gallan's insurgency represents a stark escalation in the longstanding animosity between the Ali Salebaan clan and the administration. With the region in financial crisis and payment to the security forces sporadic, and with the forces already overstretched on account of Al-Shabaab's March 2016 incursion into Puntland—Gallan's insurgency, while not an existential threat to the Puntland administration—poses significant and ongoing detriment to the peace and stability of the region. The further isolation of Bari region from the reach of the Puntland administration may allow Abdulqadir Mumin's pro-Islamic State in Iraq and ISIL faction of Al-Shabaab— based near Qandala—space to gain momentum and attract additional fighters and material support from within Somalia or abroad.

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[585] "Somalia: Puntland Security forces hunt former Governor after violent protest", *Horseed Media*, 1 February 2016. Available from https://horseedmedia.net/2016/02/01/somalia-puntland-security-forces-hunt-former-governor-after-violent-protest/.

[586] SEMG phone interview with Abdisamed Gallan, 31 August 2016.

[587] Ibid.

[588] "Waraysi: Cabdisamad Gallan "Puntland cusub ayaan samaynayaa", *Puntland Today*, 15 June 2016. Available from http://www.puntlandtoday.com/waraysi-cabdisamad-gallan-puntland-cusub-ayaan-samaynayaa/.

[589] SEMG interviews with a local journalist and senior Puntland administration official, 21 June 2016.

[590] Information provided to an SEMG interlocutor by an individual involved in the arms shipment.

[591] See S/2013/413, annexes 1.7 and 3.1.c.

[592] SEMG phone interview with Abdisamed Gallan, 31 August 2016.

Ali Salebaan grievances against the Puntland administration

111. The Monitoring Group communicated on multiple occasions by phone with Abdisamed Gallan, and also met with a representative of Gallan's in Nairobi and with a group of Ali Salebaan clan elders in Garowe. Their overwhelming grievance against the Puntland administration was the underrepresentation of the Ali Salebaan in the civil service and the security forces, especially in their native territory of Bari region. According to documentation provided by the Ali Salebaan elders, only six senior civil service and military positions in the Puntland administration are currently occupied by members of the Ali Salebaan, less than 4 per cent the total.[593]

112. Sixteen Ali Salebaan elders arrived in Garowe in July 2016 to conduct conflict resolution negotiations with the President Abdiweli Mohamed Ali "Gass"; as of 6 September, they claimed to have only met three times with the President, and had not agreed on any way forward with him.[594] According to a delegation of elders, President Ali had shown them disrespect, and was "not interested in negotiating".[595]

Qandala-Hafun network

113. Since fleeing Bosaso, Gallan has been based in his hometown of Qandala, in Bari region. Qandala has long-standing smuggling ties to the Yemeni port of Al Mukalla, controlled by Al-Qaida in the Arabian Peninsula (AQAP) until it was recaptured with the support of the Saudi-led coalition in April 2016. The Qandala area offers a series of natural bays and beaches, such as Butiyalo and Khooriga, which have been used by smugglers for decades.[596] While only 80 km east of Bosaso, Qandala is shielded by mountainous terrain to the west that makes it virtually inaccessible to the Puntland authorities, except by sea.[597]

114. In its 2013 final report, the Monitoring Group described in detail an Ali Salebaan-dominated nexus of arms traffickers, pirates, and Al-Shabaab affiliates that was dubbed the "Qandala-Hafun network".[598] Members of the Qandala-Hafun network included Abdulqadir Mumin, who, prior to his declaration of loyalty (*bayah*) to ISIL (see annex 1.2), was the spiritual leader and putative second-in-command of the Al-Shabaab insurgency in Puntland (Al-Shabaab Northeast), associated with the arm of the insurgency based in the Bari region. Abdihakim Dhuqub (Majeerteen/Ali Salebaan)—an arms smuggler also linked to both Al-Shabaab in Bari region and the Qandala-Hafun network, and a cousin of Mumin—is now aligned with Mumin's ISIL faction (see annex 1.2).[599]

115. Likewise, Abdirisak Ali Said Hussein "Shahdon" a.k.a. Shahdon Ali Yare, a former fisheries and ports Minister from Puntland and a license broker for Iranian illegal fishing vessels, was previously named by the Monitoring Group as a member of the Qandala-Hafun network and an associate of "Yullux".[600] Phone records from 2016 in possession of the Monitoring Group demonstrate that "Shahdon" is still frequently in contact with other arms smugglers, including "Yullux", Mohamed Mire Ali Yusuf "Soodareeri", and Said Gul Ismail.

Members of the Qandala-Hafun network identified by the SEMG

(a) Abdulqadir Mumin (Majeerteen/Ali Salebaan)

(b) Isse Mohamoud Yusuf "Yullux" (Majeerteen/Ali Salebaan)

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[593] Independent documentation listing over 120 senior civilian and military and police positions in Puntland, provided to the SEMG by Ali Salebaan clan elders, Garowe, 6 September 2016.

[594] SEMG meeting with a delegation of five Ali Salebaan clan elders, Garowe, 6 September 2016.

[595] Ibid.

[596] One of the largest weapons seizures in Puntland's history took place on 17 October 2012, when local authorities seized a shipment of 37 sacks at Butiyalo containing a large amount of munitions and explosive equipment. See S/2013/413, annex 6.1.

[597] The Puntland Maritime Police Force (PMPF) regularly patrols the waters from Bosaso to Qandala, and has seized a number of dhows fishing illegally in Puntland waters since October 2015.

[598] See S/2013/413, annex 3.1.d.

[599] SEMG interview with Puntland security forces official assigned to Bari region, Bosaso, 12 April 2016.

[600] For a background on "Shahdon", see S/2013/413, annex 3.1.

(c) Abdisamed Gallan (Majeerteen/Ali Salebaan)

(d) Mahad Isse Aden "Laboballe" (Majeerteen/Ali Salebaan)

(e) Said Gul Ismail (Majeerteen/Ali Salebaan)

(f) Mohamed Mire Ali Yusuf "Soodareeri" (Majeerteen/Ali Salebaan):

(g) Abdirisak Ali Said Hussein "Shahdon" a.k.a. Shahdon Ali Yare (Majeerteen/Ali Salebaan)

(h) Abdifatah Hayir (Majeerteen/Ali Salebaan)

(i) Abdilatif Yusuf Barre (Deshishe)[601]

(j) "Razak" (clan unknown)

(k) Abdimalik Mohamed Abdi Muse (clan unknown)

(l) Mohamed Abdullahi Abdirahman Nur a.k.a. Garad Caynab (clan unknown)

(m) Mohamed Abdi Muse (clan unknown)

(n) Faiso Said Hasan Ismail a.k.a. Aisha Said Hasan Abdirahman (clan unknown)

(o) Mohamed Hussein Said Yusuf (clan unknown)

(p) Liban Dheere (Majeerteen/Ali Salebaan)

(q) Mohamed Aydiid Jama (Warsangeli)[602]

(r) Ali Samatar (Majeerteen/Siwaqron)

2016 Qandala weapons shipments

116. On 2 May, a shipment of arms consisting of an unknown number of AK-47s, PKMs, DShK heavy machine guns, and ZU-23 light antiaircraft guns, as well as small calibre ammunition, arrived at Khooriga (Qandala) before being transferred on to Bosaso.[603] The shipment was brokered by Mahad Isse Aden "Laboballe" ("Two Wings"), a well-known Ali Salebaan arms dealer based in Bosaso, and Isse "Yullux", who took possession of approximately half of the shipment.[604] "Yullux" in turn supplied a quantity of these weapons to Abdisamed Gallan, who used them to equip members of his militia in Darjale, southwest of Qandala (see Figure 1 for a photo of Gallan's militia; Figure 2 displays a photo of 7.62mm ammunition forming part of the 2 May shipment). The SEMG has determined that the weapons were transported by the Oman-based dhow *Dayiba*.[605]

117. The SEMG has confirmed that two subsequent shipments of arms arrived in the Qandala area, on 15 June—the same day that Gallan declared his insurgency—and on 25 June 2016.[606] While the security conditions in Qandala precluded the

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[601] See S/2012/544, annex 2.3, for background information on Abdilatif Yusuf Barre.

[602] See S/2012/544, annex 2.3, for background information on Mohamed Aydiid Jama.

[603] The date and location of the shipment was provided to the SEMG by a security source in Puntland on 26 May 2016 and confirmed by a senior Puntland official on 15 June 2016. The composition of the shipment was described to an SEMG interlocutor by a subordinate of the arms dealer Mahad Isse Aden "Laboballe", who was involved in delivering the shipment.

[604] Information provided by a subordinate of the arms dealer Mahad Isse Aden "Laboballe" involved with the shipment.

[605] Information provided by an SEMG security source with access to Bosaso port, 26 May and 8 June 2016. According to this source the *Dayiba* regularly calls at the port, and has brought consignments of rice, sugar, and oil owned by businessman—and member of the Qandala-Hafun network—Liban Dheere.

[606] Information provided by a confidential international agency security report, a former Puntland security forces officer, and a Puntland security source.

SEMG from obtaining photographs of the shipments, an international agency security report indicated that the second shipment included AK-47 rifles, machine guns, rocket propelled grenades (RPGs), mortars, and hand grenades.[607]

118. The SEMG has been unable to determine whether the two subsequent shipments were also transported by Oman-based vessels. However, phone records in possession of the SEMG show that Gallan made calls to eight mobile phones in Oman during the month of June. At least one number was identified as belonging to Mustafa Mire Said, the owner of Al Astool Marine Services, a maritime shipping agency based in Salalah.[608]

119. The Monitoring Group sent official correspondence[609] on 12 July 2016 to the Government of the Sultanate of Oman requesting information on the individuals associated with the phone numbers contacted by Gallan, as well as the ownership of the dhow *Dayiba*, but did not receive a response. As a result, the Group has so far been unable to confirm whether Al Astool Marine Services is responsible for operating the *Dayiba*, or served as the shipping agent for the subsequent shipments to Qandala in June.

120. Gallan's phone records also show him to have been in contact with the FGS Minister of Information, Mohamed Hayir Maareeye, as well as ISWA President Sharif Hassan Sheikh Aden and GIA President Abdikarim Hussein Guled during the month of June. Gallan denied having any relationship with the three individuals.[610]

121. Abdisamed Gallan's mobile phone activity in June 2016 is presented through a link chart in annex 8.10.a, below (strictly confidential).

Said Gul Ismail, illegal fishing, and connection to Abdisamed Gallan

122. The Qandala-Hafun network includes Said Gul Ismail, an agent for fishing vessels from Iran based in Qandala, as well as Abdifatah Hayir, another agent for illicit fishing activities.[611]

123. These fishing vessels typically engage local agents in Puntland, who protect them from the Puntland authorities and provide onboard security detachments, typically at a cost of USD 10,000.[612] While the Puntland administration accuses fishing dhows from Iran of being engaged in illegal fishing activities,[613] the SEMG has obtained documentary evidence demonstrating that Ismail makes monthly payments to the Puntland Ministry of Finance of approximately USD 4,000 for each vessel under his protection. Figure 5, below, provides examples of two receipts for these payments from September and November 2015.

124. Said Gul Ismail is also a prolific importer of weapons into Puntland. When contacted by an interlocutor of the Monitoring Group on 15 September 2016, Ismail admitted to being currently engaged in importing a weapons shipment on behalf of Abdisamed Gallan into Khooriga-Qandala. Ismail told the Group that Gallan was "the head of the whole operation", adding, "he is the elder, we are the juniors".[614] Ismail said that the insurgency against the Puntland administration would continue, regardless of the outcome of the talks between Ali Salebaan elders and Puntland officials in Garowe. He also told the Group that Gallan loyalists were attempting to gain the support of other Puntland clans for

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[607] Confidential international agency security report, corroborated by a former Puntland security forces officer, 19 June 2016.

[608] Phone records demonstrate that Gallan made five calls to Mustafa Mire Said between 2 June and 18 June 2016. When interviewed by the SEMG on 31 August 2016, Gallan denied knowing Said.

[609] S/AC.29/2016/SEMG/OC.55.

[610] SEMG phone interview with Abdisamed Gallan, 31 August 2016.

[611] On 12 April 2016, Bosaso, the SEMG interviewed the captain of a fishing dhow from Iran that had been seized by the Puntland Maritime Police Force (PMPF) for illegal fishing activities. Present at the interview was Abdifatah Hayir, who was serving as the vessel's agent and attempting to have it released from Puntland custody.

[612] SEMG interview, 6 July 2016, with an Iranian dhow owner who has admitted to smuggling weapons into Somalia, and confirmed by Puntland security officials.

[613] When the SEMG interviewed Puntland Ministry of Fisheries and Marine Resources officials in Bosaso on 12 April 2016, they told the Group that only four vessels had been granted fishing licenses, none of them of Iranian origin.

[614] SEMG phone interview with Said Gul Ismail, 15 September 2016, via an interlocutor. The SEMG subsequently relayed this information to the appropriate authorities.

their insurgency, particularly the Majeerteen/Siwaqron clan, and that their aim was to "take control" of the entirety of Puntland.[615]

125. Abdisamed Gallan had told the SEMG previously that he knew Said Gul Ismail only as businessman who worked with fishing vessels from Iran, and stated that he had no relationship with him.[616]

MV *Nasir* seizure

126. On 24 September 2015, a dhow en route from Chabahar port in Iran, MV *Nasir*, was intercepted and boarded by the Australian naval vessel HMAS *Melbourne*. The dhow was found to be carrying a cargo primarily consisting of 75 anti-tank missiles, specifically BGM-71A TOWs and 9M113M-AT Konkurs.[617] While the *Nasir* crew reported the dhow's destination to be Hurdiyo,[618] a littoral town on Puntland's Indian Ocean coast opposite Hafun, a US report on the incident listed Yemen as the final destination of the consignment.[619]

127. Satellite phone records obtained by the Yemen panel of experts established pursuant to resolution 2140 (2014) and shared with the SEMG showed the *Nasir* crew to have been in contact while at sea with several known weapons smugglers and members of the Qandala-Hafun network in Puntland, including Said Gul Ismail and Abdirisak Ali Said Hussein "Shahdon" a.k.a. Shadon Ali Yare.

128. The Monitoring Group has also obtained mobile phone records dating between April and September 2016 for a number of members of the Qandala-Hafun network identified above. The relationships between members of the network, as well as their ties to the MV *Nasir* arms smugglers, are presented in a link chart in annex 8.10.b (strictly confidential).

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[615] Ibid.

[616] SEMG phone interview with Abdisamed Gallan, 31 August 2016.

[617] Confidential naval report, 19 January 2016.

[618] Ibid.

[619] Confidential US naval report.

Figure 1: Weapons belonging to the 2 May 2016 Khooriga-Qandala shipment on display with female militia members in the village of Darjale, Bari region

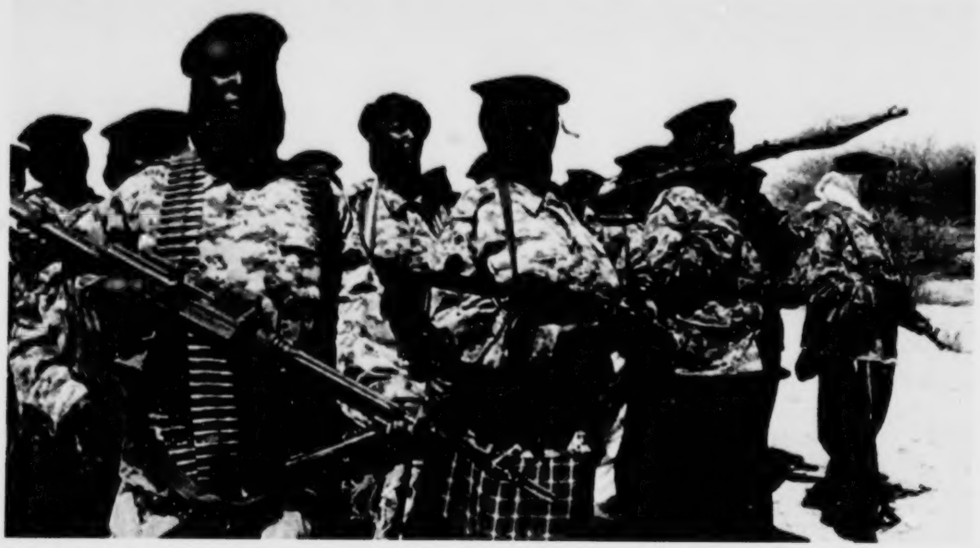


Figure 2: 7.62mm ammunition of Chinese origin, part of the 2 May 2016 Khooriga-Qandala shipment brokered by Mahad Isse Aden "Laboballe". Photo taken in Bosaso by an SEMG interlocutor on 17 May 2016.

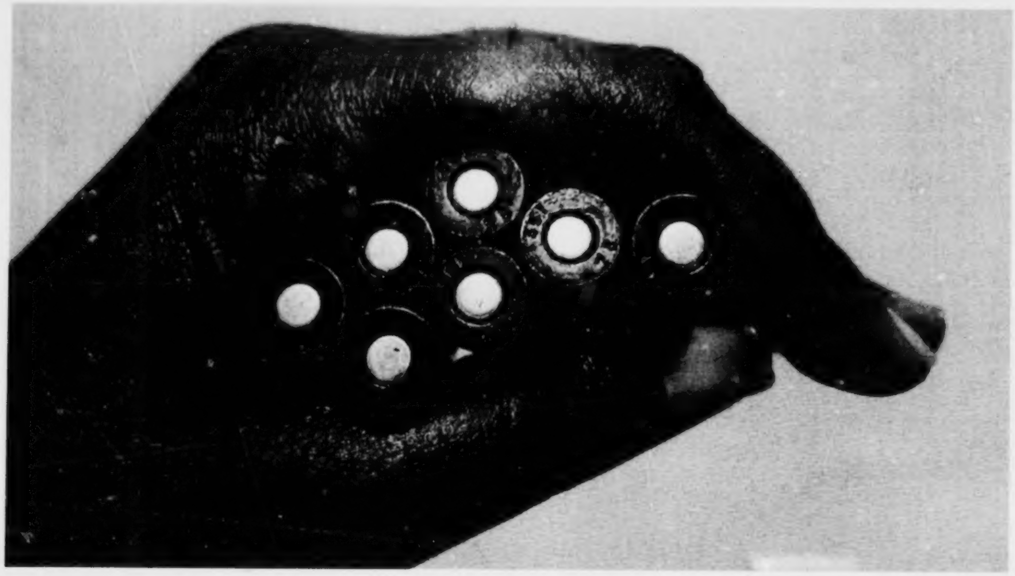


Figure 3: Abdisamed Gallan with his militia in Armo town, 21 June 2016

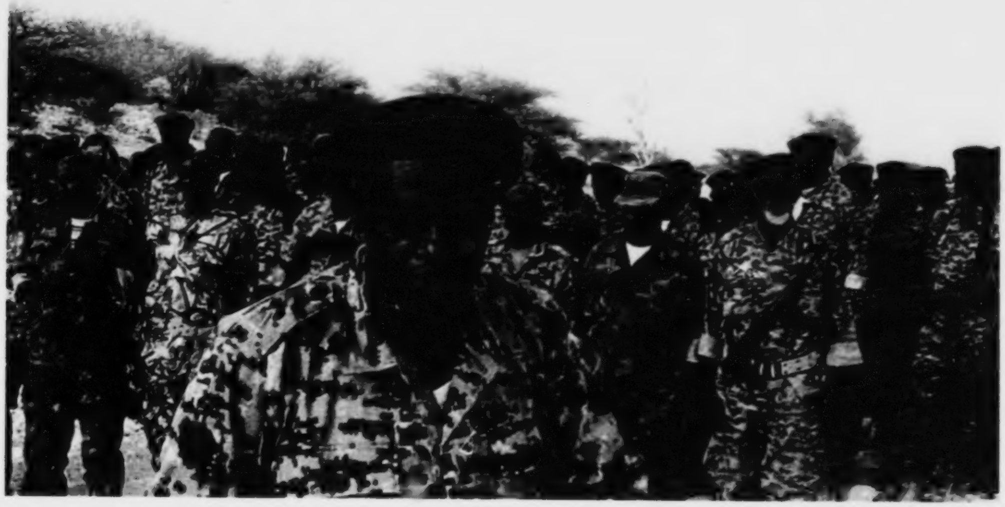


Figure 4: Abdisamed Gallan's militia in Armo town, 21 June 2016

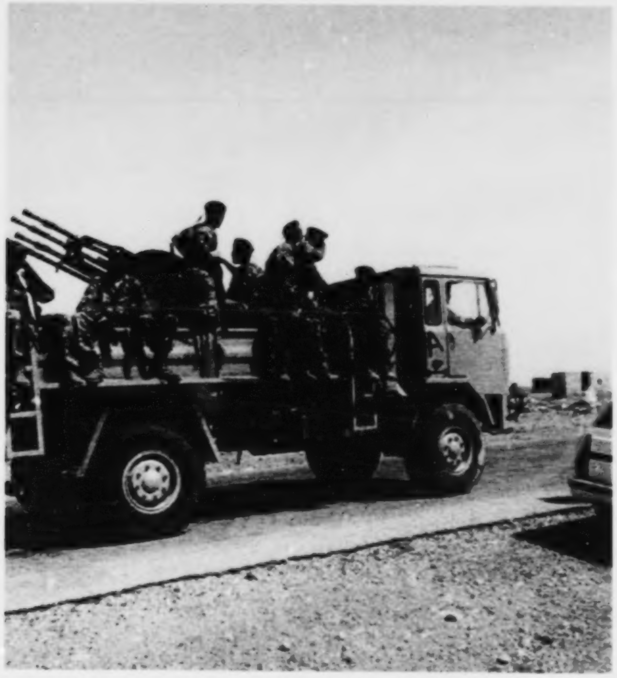
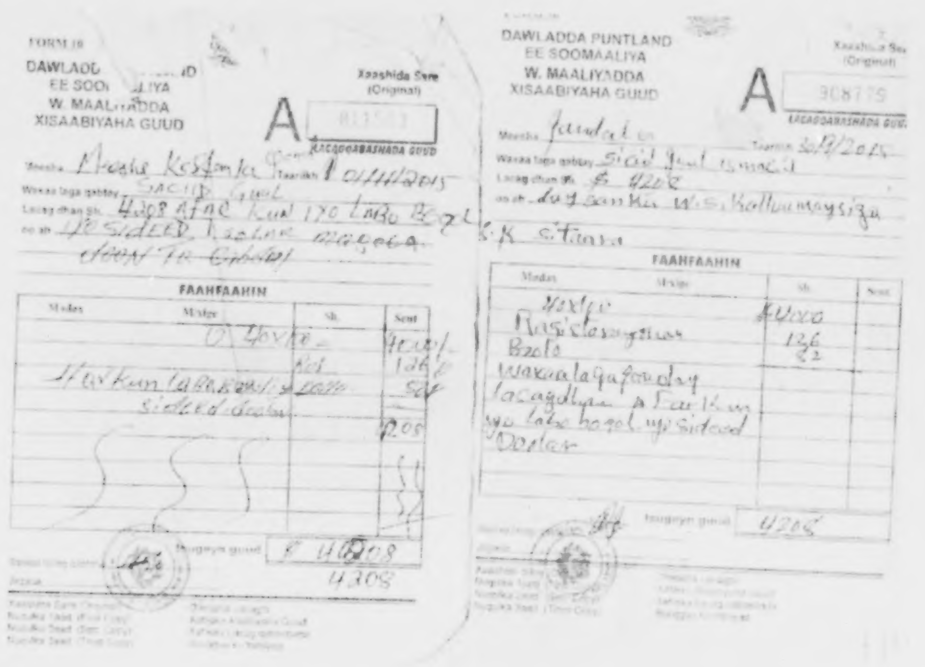


Figure 5. Receipts showing payments by Said Gul Ismail in September and November 2015 to the Puntland Ministry of Finance



FORM 19

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Annex 8.10.a: (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 8.10.b: (STRICTLY CONFIDENTIAL)*

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* The annex has not been reproduced in the present document because it is strictly confidential.

Annex 9

Violations of the charcoal ban

Annex 9.1: Satellite imagery and aerial photos of charcoal stockpiles

Kismayo southern stockpiles

1. Satellite imagery indicates gradual but significant depletion of the Kismayo southern stockpiles between 16 September 2015 and 9 September 2016.

Figure 1: Kismayo southern stockpiles, 16 September 2015

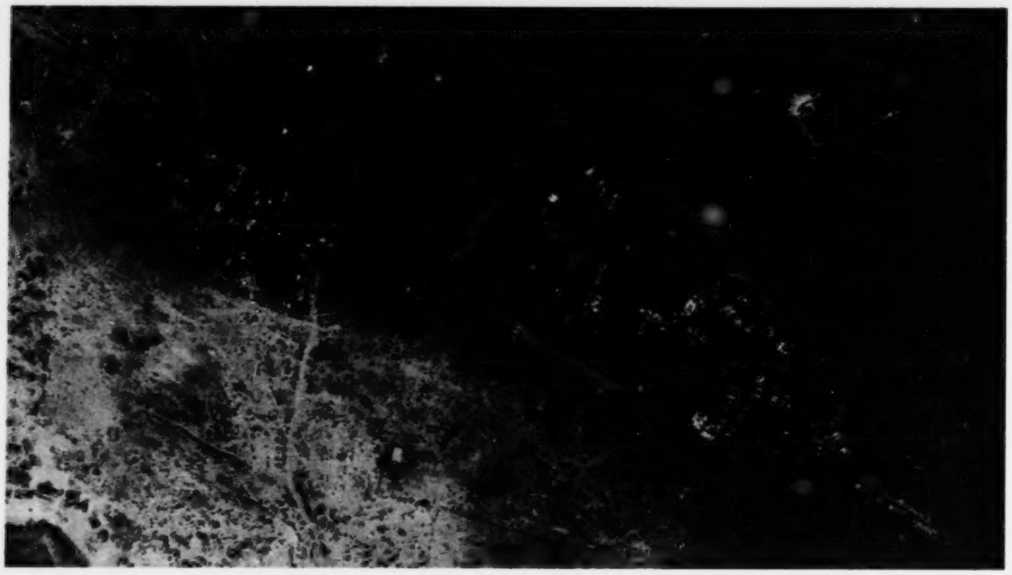


Figure 2: Kismayo southern stockpiles, 22 July 2016

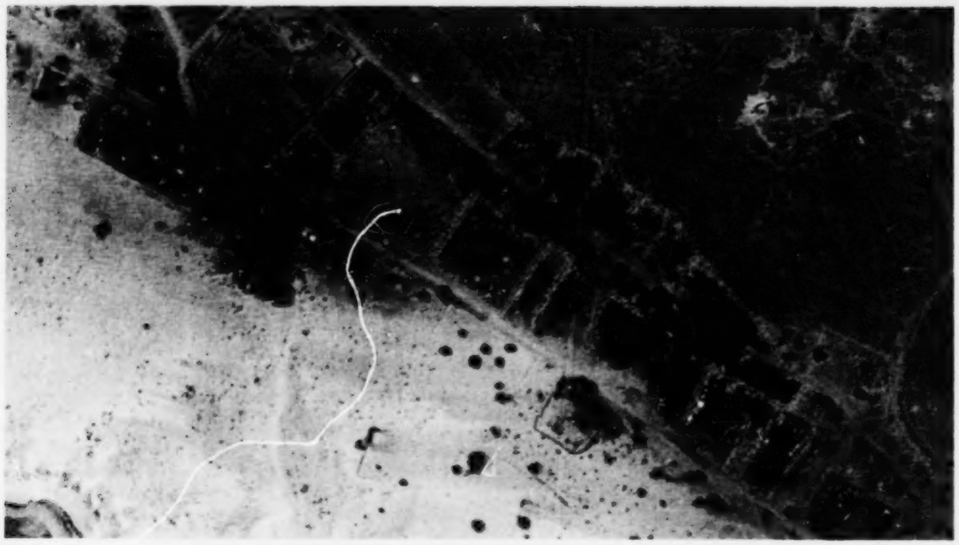


Figure 3: Kismayo southern stockpiles, 9 September 2016

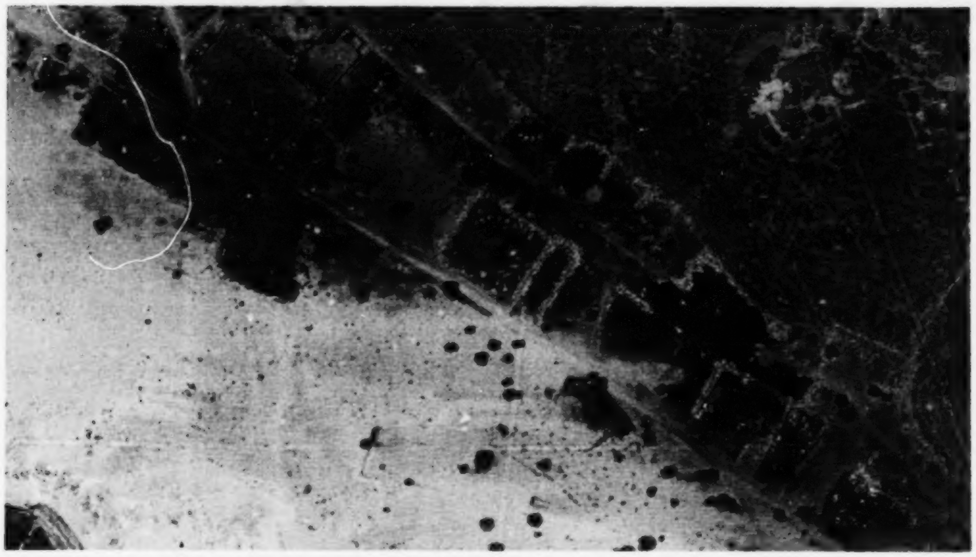
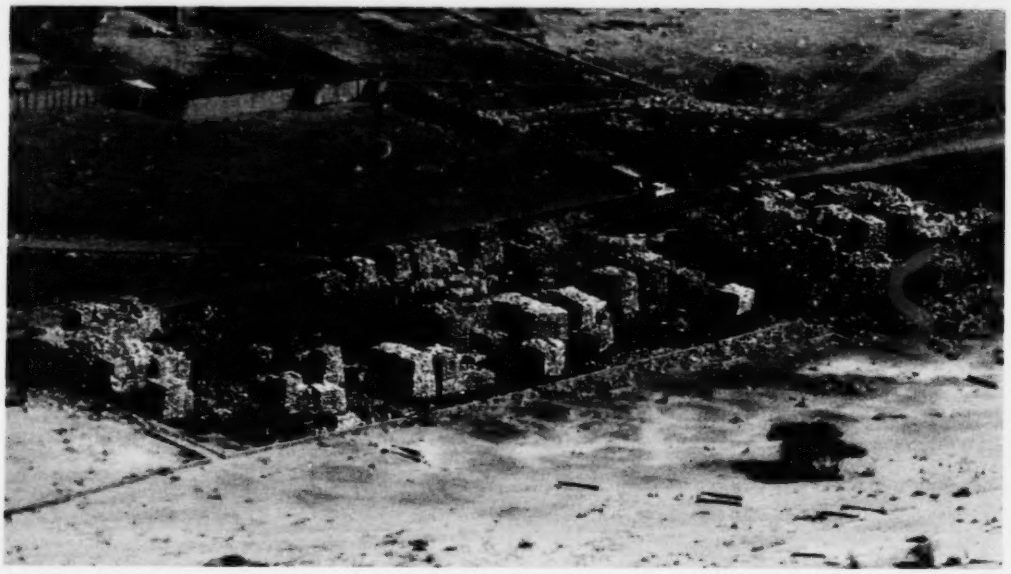


Figure 4: Kismayo southern stockpiles, 20 April 2016



Kismayo northern stockpiles

2. Satellite imagery indicates gradual depletion of the Kismayo northern stockpiles between 9 January 2016 and 9 eptember 2016.

Figure 5: Kismayo northern stockpiles, 9 January 2016

Figure 6: Kismayo northern stockpiles, 20 June 2016

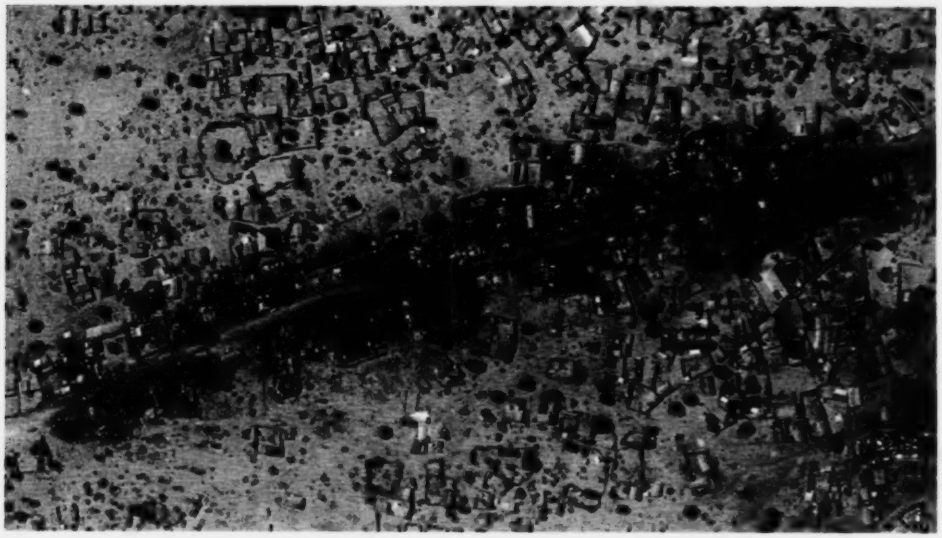


Figure 7: Kismayo northern stockpiles, 9 September 2016

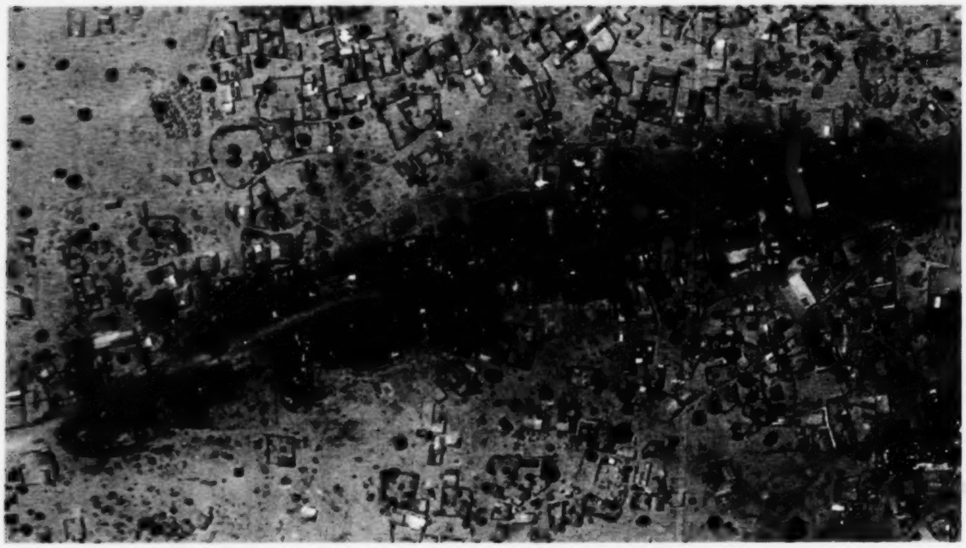
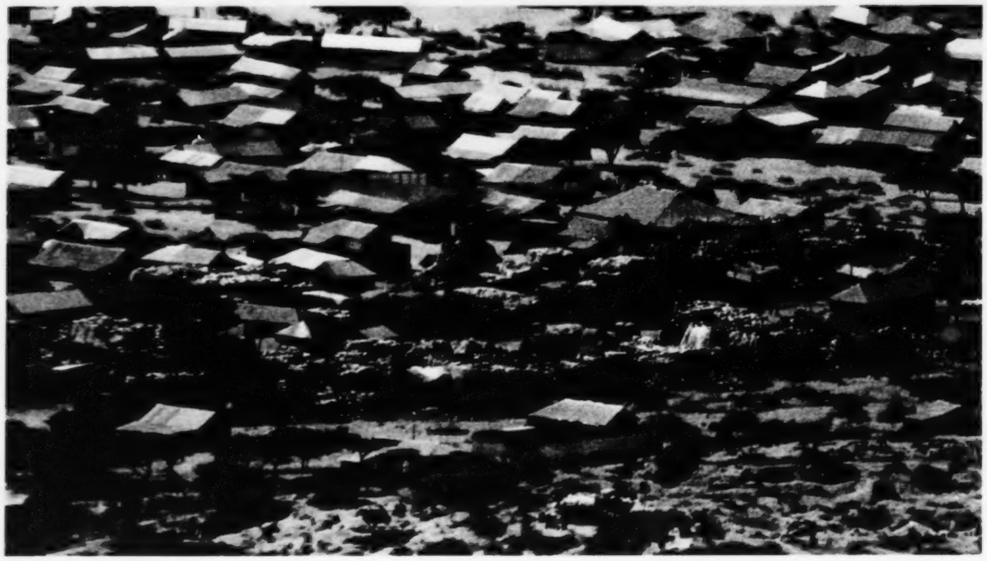


Figure 8: Kismayo northern stockpiles, 20 April 2016



Buur Gaabo stockpiles

3. Satellite imagery indicates gradual depletion of the Buur Gaabo stockpiles between 3 September 2015 and 17 June 2016.

Figure 9: Buur Gaabo stockpiles, 3 September 2015

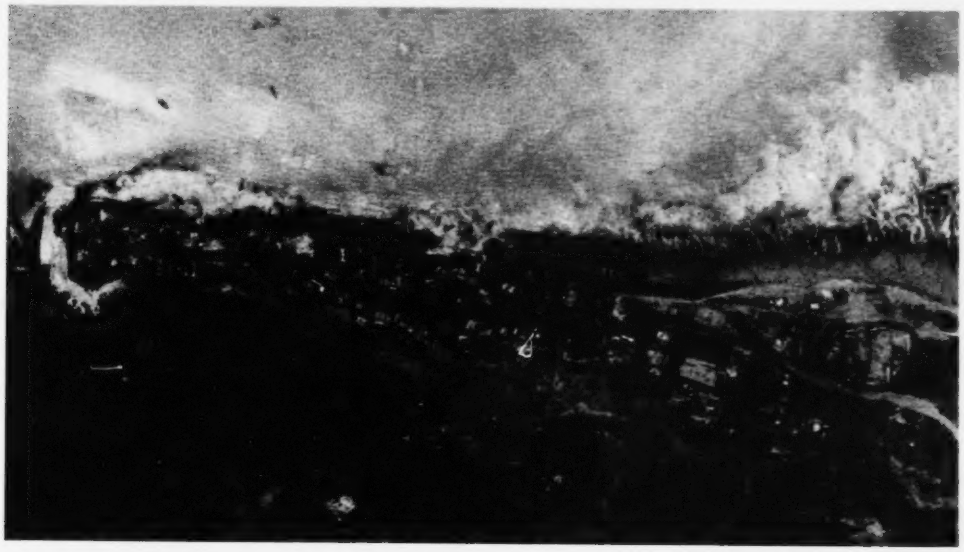


Figure 10: Buur Gaabo stockpiles, 29 May 2016

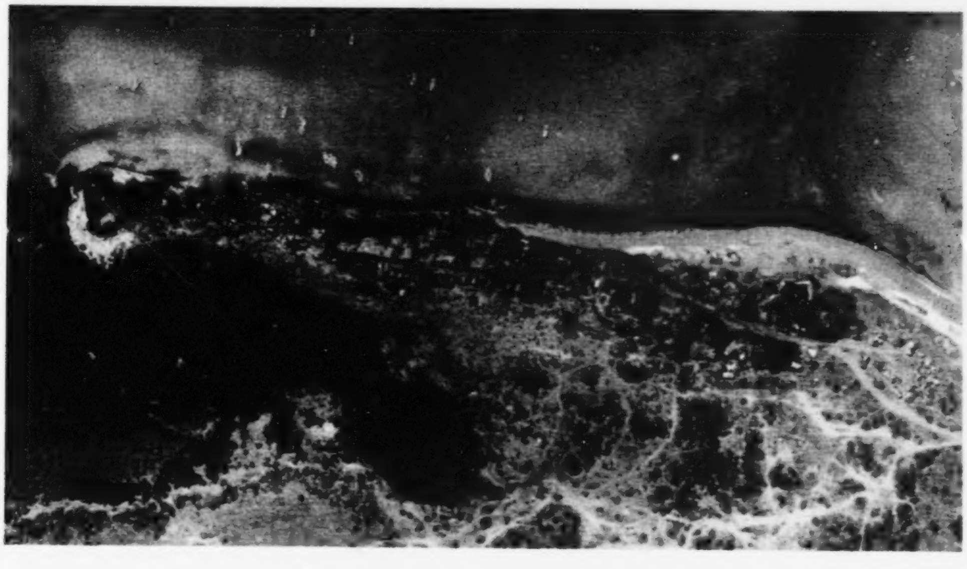
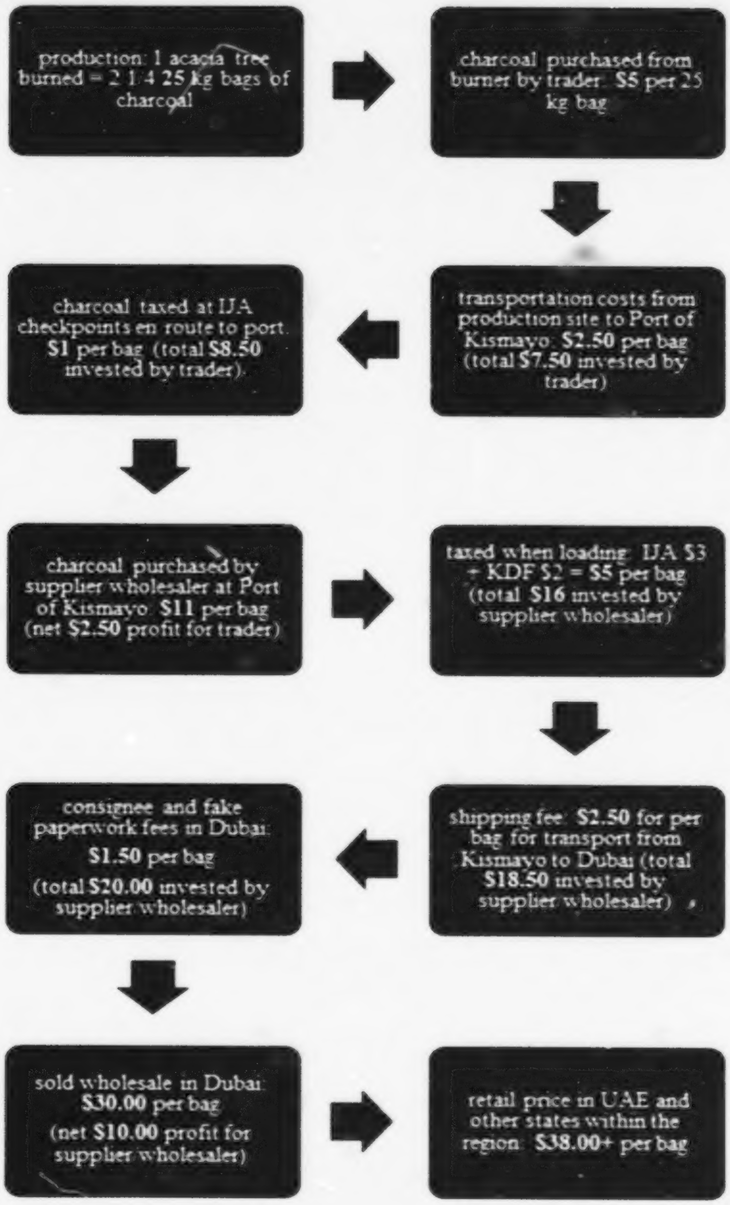


Figure 11: Buur Gaabo stockpiles, 17 June 2016

Figure 12: Buur Gaabo stockpiles, 20 April 2016

Annex 9.2: Somali charcoal value chain[620]



production: 1 acacia tree burned = 2 1/4 25 kg bags of charcoal

charcoal purchased from burner by trader: **$5** per 25 kg bag

transportation costs from production site to Port of Kismayo: **$2.50** per bag (total **$7.50** invested by trader)

charcoal taxed at IJA checkpoints en route to port: **$1** per bag (total **$8.50** invested by trader).

charcoal purchased by supplier/wholesaler at Port of Kismayo: **$11** per bag (net **$2.50** profit for trader)

taxed when loading: IJA $3 + KDF $2 = **$5** per bag (total **$16** invested by supplier/wholesaler)

shipping fee: **$2.50** for per bag for transport from Kismayo to Dubai (total **$18.50** invested by supplier/wholesaler)

consignee and fake paperwork fees in Dubai:

$1.50 per bag

(total **$20.00** invested by supplier/wholesaler)

sold wholesale in Dubai: **$30.00** per bag

(net **$10.00** profit for supplier/wholesaler)

retail price in UAE and other states within the region: **$38.00+** per bag

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[620] Figures are merely estimates for the purpose of understanding the structure of the illicit Somali charcoal trade. Estimates have been derived from cross-referencing confidential information from sources in Kismayo and Dubai with open-source information, including extrapolation from a previous report of the Monitoring Group (S/2014/726, annex 9.1).

Annex 9.3: United Arab Emirates charcoal import data (million kilograms)

Country	2011	2012*	2013	2014	2015
Comoros	0	0	0	12.4	39.7
Djibouti	0	12.8	22.0	40.8	11.6
Kenya	0	.2	80.1	12.2	.1
Pakistan	0	0	< .1	<.1	17.1
Somalia	142.4	[illegible]	0	0	0
other countries	5.7	19.0	66.8	50.1	81.8
total imports	148.1	153.8	169.0	115.6	150.2
estimated total illicit	NA	107.5 (70%)**	102.1 (60%)	65.4 (57%)	68.4 (46%)

*=the charcoal ban was authorised with resolution 2036 (2012) on 22 February 2012

**=estimated as 7/9 Somalia 2012 imports (March-July and November-December; not January-February when legal and not August-October when shipping stops during monsoon season) plus Djibouti imports

■=legal charcoal imports up to 22 February 2012, illicit charcoal imports after 22 February 2012

▨= suspected illicit Somali charcoal imports using a false certificate of origin

4. The table above is based on official charcoal import data provided to the Monitoring Group by the UAE. The data has been cross-referenced with information derived from SEMG investigations during this mandate and previous mandates regarding the use of false certificates of origin for Somali charcoal at UAE ports.

5. The data indicates that the UAE imported 142.4 million kilograms of Somali charcoal in 2011, representing 96 per cent of total charcoal imports in the last full year prior to the imposition of the charcoal ban on Somalia. Although the Somali charcoal ban was imposed on 22 February 2012, 121.8 million kilograms of Somali charcoal were nonetheless officially imported into the UAE in 2012, accounting for 79 per cent of imports.

6. According to official data, Djibouti did not export charcoal to the UAE in 2011, but then increased its exports to 12.8 million kilograms in 2012, 22.0 million kilograms in 2013, and 40.8 million kilograms in 2014, before decreasing to 11.6 million kilograms in 2015. The Djiboutian authorities have since confirmed to the SEMG that Djibouti does not export charcoal and its certificates of origin are no longer accepted by the UAE.

7. Despite virtually no UAE charcoal imports from Kenya during 2011 and 2012, official data indicates an increase to 80.1 million kilograms in 2013, then a decline to 12.2 million kilograms in 2014, followed by reverting to almost no imports in 2015. This data is consistent with previous findings by the SEMG regarding the use in 2013 and 2014 of false Kenyan certificates of origin, which were no longer accepted as of 2015.

8. According to official data, the UAE did not import charcoal from the Union of Comoros during 2011, 2012, or 2013, but then the UAE imported 12.4 million kilograms in 2014 and 39.7 million kilograms in 2015. During the current mandate, the authorities of Comoros confirmed to the SEMG that the country does not export charcoal, and the UAE authorities have stopped accepting Comoros charcoal certificates of origin.

9. The official data indicates that the UAE imported virtually no charcoal from Pakistan until imports spiked to 17.1 million kilograms in 2015. The SEMG identified the use of false Pakistan certificates of origin at UAE ports in 2016, but this data suggests they were likely in use from 2015. Unofficial sources have informed the SEMG that Pakistan certificates of origin for charcoal are no longer being accepted at UAE ports.

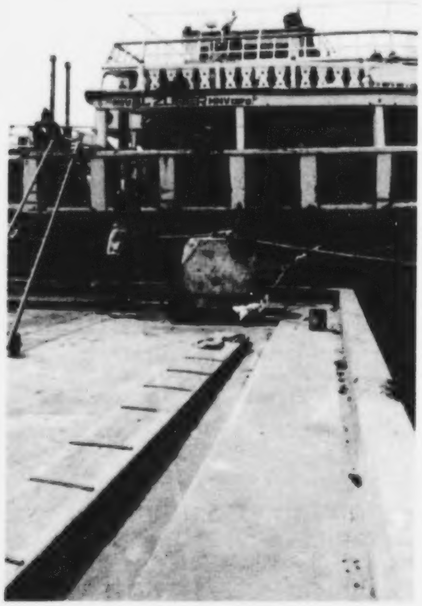
10. Cumulatively, cross-referencing official UAE import data with the findings of SEMG investigations suggests clear patterns regarding the use of false certificates of origin at UAE ports for the purpose of evading the charcoal ban on Somalia. While the official data states that no charcoal has been imported from Somalia as of 2013, the information in the table above suggests that more than half of the total charcoal imported into the UAE from 2013 to 2015 was most likely exported from Somalia in violation of the ban. This estimate probably understates the actual total as there may be other false paperwork yet to be identified by the SEMG.

Annex 9.4: Selected cases of charcoal trafficking and sanctions enforcement

Annex 9.4.a: Al Zuber, Shree Nausad, and Yasin

11. On 26 February 2016, the Monitoring Group wrote to the Government of the UAE regarding three dhows: *Al Zuber*, MNV 1278 (India); *Yasin*, MNV 2121 (India); and *Shree Nausad*, MNV 2087 (India). According to information received by the Monitoring Group, each had been loaded with cargos of charcoal and had departed from Kismayo, with an anticipated destination of Dubai. As of 26 February 2016, *Al Zuber* was estimated to have already arrived, while *Yasin* and *Shree Nausad* were projected to still be *en route* to Dubai. A recent photo of *Al Zuber* docked in the Port of Kismayo was included as an annex to the letter (see below).

Figure 1. Al Zuber, MNV 1278 (India), docked at the Port of Kismayo in February 2016



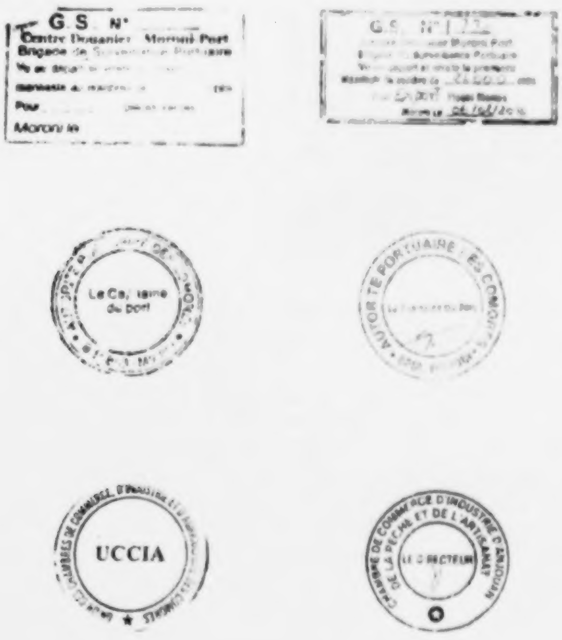
12. On 7 April 2016, the Government of the UAE replied with a letter regarding the three dhows. *Al Zuber* arrived in the UAE on 23 February, three days before receipt of the Monitoring Group's letter, and unloaded its cargo of 18,000 bags of charcoal. *Yasin* arrived in the UAE on 9 March with a cargo of 27,000 bags of charcoal; 24,000 bags of charcoal were unloaded and 3,000 bags of charcoal were confiscated by the UAE authorities. The letter stated that an investigation regarding the unloading of *Yasin* was ongoing. *Shree Nausad* arrived in the UAE on 15 March; its entire cargo of 26,000 bags of charcoal was confiscated by the UAE authorities. All three dhows possessed documentation claiming their cargo of charcoal had originated in Moroni, Comoros. Copies of the paperwork were attached to the letter (see annex 9.6.a for *Shree Nausad* documents).

13. The Monitoring Group undertook an official mission to Moroni, Comoros 1-5 May 2016 in order to investigate the paperwork from *Al Zuber*, *Yasin*, and *Shree Nausad*. During the course of its investigation in Moroni, the Monitoring Group consulted with representatives of customs, port authority, chamber of commerce, national post, and national telecom. It was subsequently able to conclude the following:

- the certificates of origin, commercial invoices, and manifests have fake stamps intended to replicate those from the customs, port authority, and the chamber of commerce (see below);
- the certificates of origin for the three vessels are not authentic, as these are officially issued by a ministry of the Government of Comoros not the chamber of commerce;
- Moon Transport and Services – the shipping company identified on the certificates of origin, the commercial invoices, manifests, and bills of lading – does not exist on the database of the chamber of commerce, nor was it familiar to any authorities consulted by the Monitoring Group;
- the telephone number and post office box listed on the documents for Moon Transport and Services are officially registered to other individuals in Comoros rather than a business by that name; and
- according to customs and the port authority, Comoros neither imports nor exports charcoal.

14. The Monitoring Group communicated this information regarding the paperwork for *Al Zuber*, *Yasin*, and *Shree Nausad* to the Government of the UAE in a letter dated 9 May 2016.

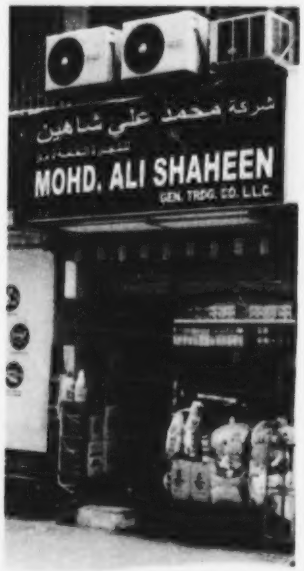
Figure 2: authentic Comoros stamps on the left and fake Comoros stamps on the right


G.S N°
Centre Douanier Moroni Port
Brigade de Surveillance Portuaire
Moroni le
Le Capitaine du port
UCCIA
LE DIRECTEUR

15. On 12 May 2016, the Monitoring Group met with the UAE authorities in Dubai in order to discuss recent developments regarding implementation of the charcoal ban on Somalia. The Monitoring Group thanked the Government of the UAE for its cooperation and shared the conclusions of its official mission to Comoros. The UAE authorities stated

they had independently confirmed with the Embassy of Comoros to the UAE that Comoros does not export charcoal and that the documents for *Al Zuber*, *Shree Nausad*, and *Yasin* are fake. The UAE authorities informed the Monitoring Group that an order has been issued to UAE ports to no longer accept Comoros paperwork for charcoal cargos. When asked why only 3,000 out of 27,000 bags were confiscated from *Yasin* on 9 March 2016, the UAE authorities replied that the investigation's outcome is still pending. The UAE authorities also confirmed that they had not opened an investigation into the Dubai-based consignee for all three dhows, Mohammed Ali Shaheen General Trading Company LLC. When the Monitoring Group met with representatives of the company on 14 July 2016, they denied involvement with these three charcoal cargoes despite being listed as the consignee on all three sets of paperwork.

Figure 3. Dubai storefront of Mohammed Ali Shaheen General Trading Company LLC



16. In accordance with paragraph 10 of Implementation Assistance Notice #1, 7 May 2014, the UAE held an auction on 18 May 2016 of the charcoal confiscated from *Yasin* on 9 March and *Shree Nausad* on 15 March. The auction was observed by the Monitoring Group. Although a total of 29,000 bags of charcoal were confiscated from *Yasin* and *Shree Nausad*, 25,000 bags of charcoal were for sale at the public auction. When the Monitoring Group noted the discrepancy, the UAE authorities present at the auction did not have an explanation for the missing 4,000 bags. The charcoal sold for a total of AED 1,860,000 (USD 500,000), or about AED 75 (USD 20) per bag, in comparison to a local wholesale price of AED 110 (USD 30) per bag. The Monitoring Group wrote a letter to the Government of the UAE on 24 May 2016 requesting the identity, contact details, and business affiliations of the winning bidder of the auction. The Monitoring Group repeated this request on 5 July 2016 in another charcoal-related letter to the Government of the UAE. On 9 September, the UAE replied to these requests for further information regarding the auction, providing documentation that an individual representing Yasmin General Trading LLC purchased the charcoal at auction.

Annex 9.4.b: Al Islami, Sv Quba, and Taranhar

17. On 29 April 2016, the Monitoring Group wrote a letter to the Government of the UAE regarding three dhows: *Al Islami*, VRL 16625 (India); *Sv Quba*, MNV 2183 (India); and *Taranhar*, MNV 1878 (India). The Monitoring Group informed the Government of the UAE that the three dhows had recently departed Kismayo, Somalia with cargos of charcoal and were most likely *en route* to Dubai, UAE. The authorities of the UAE were requested to intercept the vessels in order to confirm the contents of their cargo and to share any relevant documentation with the Monitoring Group. Meanwhile, confidential sources informed the Monitoring Group regarding the arrival in Dubai of *Taranhar* (27 May 2016), *Sv Quba* (10 June 2016), and *Al Isami* (14 June 2016). The Monitoring Group followed up with emails to the UAE focal point in Dubai on 10 June and 14 June, but did not receive a reply regarding the status of the three dhows. On 5 July 2016, the Monitoring Group wrote another letter to the Government of the UAE requesting an update on the status of *Al Islami*, *Sv Quba*, and *Taranhar*, including any action taken by the UAE authorities and copies of their paperwork.

18. On 12 July 2016, the Government of the UAE replied to the Monitoring Group's letters of 29 April and 5 July, confirming that *Al Islami* had arrived with a cargo of 34,000 bags of charcoal, *Sv Quba* had arrived with a cargo of 25,000 bags of charcoal, and *Taranhar* had arrived with a cargo of 30,000 bags of charcoal. *Al Islami* possessed paperwork claiming its cargo had originated in Accra, Ghana; *Sv Quba* and *Taranhar* possessed paperwork claiming their cargos had originated in Karachi, Pakistan. Copies of the documentation were attached to the letter (see annex X.6.b for *Taranhar* and annex X.6.c for *Al Islami*). The UAE stated that distribution of the charcoal from the three dhows had been blocked, but also requested further evidence from the Monitoring Group that the dhows had departed from Somalia rather than either Ghana or Pakistan.

19. On 18 July 2016, the Monitoring Group wrote to the Government of the UAE, providing further evidence regarding the charcoal cargos of *Al Islami*, *Sv Quba*, and *Taranhar*. It was clarified that the information regarding the loading of the three dhows in Kismayo had been provided by two independent, credible sources who had also identified Ali Ahmed Naaji, a Kismayo-based charcoal trader previously mentioned in multiple Monitoring Group reports, as the agent or owner of the charcoal cargos. The Monitoring Group further noted constraints in obtaining information regarding Port of Kismayo operations, including the threat of arrest by the IJA for potential informants and dhows delivering covering their name and registration while in port.

20. An email from the Karachi Chamber of Commerce and Industry (KCCI) dated 16 July 2016 was attached as an annex to the Monitoring Group's letter of 18 July 2016. The email confirmed that the certificates of origin for *Sv Quba* and *Taranhar* had not been issued by the KCCI and are fake. Regarding *Al Islami*, a list of licensed charcoal export holders from the Ghana Energy Commission was also included as an annex; it did not include the alleged charcoal exporter indicated on the *Al Islami* documents, Kwame Shipping Services Limited. The Monitoring Group expressed its concern that if the charcoal cargoes of the three dhows were released—despite clear evidence that they had loaded charcoal in Somalia rather than Pakistan or Ghana—then it could be a catalyst for a resumption of large-scale charcoal trafficking from Somalia to the UAE.

21. Having recently received new information regarding *Al Islami* from the Ghana Ports and Harbours Authority (GPHA), on 21 July the Monitoring Group wrote a follow up letter to the Government of the UAE. The letter summarised several unequivocal conclusions made by the GPHA in an email dated 19 July 2016:

- GPHA has no record of a vessel named *Al Islami* docking at either one of Ghana's only two ports, Tema or Takoradi, and loading with 34,000 bags of charcoal;
- GPHA has no record of the shipping agent identified as Kwame Shipping Services Limited;
- the stamp allegedly provided by GPHA on the bill of lading is fake; and
- the port of loading identified on the bill of lading as Accra does not exist.

22. Following its own enquiry, the GPHA concluded that the "documents are all fake" and the "cargo was not loaded in Ghana". A copy of the 19 July 2016 email from the GPHA to the Monitoring Group was included as an annex to the Monitoring Group's letter of 21 July 2016 to the Government of the UAE.

23. In a letter to the Monitoring Group dated 9 September 2016, the UAE confirmed confiscation of the full charcoal cargoes from *Al Islami* and *Taranhar*. However, only 1,800 bags of charcoal were confiscated from *Sv Quba*. According to an investigation by the UAE authorities, this was due to an "unintended oversight" by a customs officer who allowed the other 23,200 bags of charcoal to be released to the local market. In the letter dated 9 September, the UAE also indicated its preference to hold another public auction to sell the confiscated charcoal. While the Monitoring Group has received information from confidential sources indicating that Ghana and Pakistan paperwork are no longer accepted for unloading charcoal at UAE ports, this has not yet been officially confirmed by the UAE (as was done previously with Comoros paperwork).

Annex 9.4.c: Al Farid (aka Rahma)

24. On 11 August 2016, the Monitoring Group wrote to the Government of the UAE regarding a dhow, *Al Farid*, that had arrived at Port Al Hamriya anchorage on 1 August with a cargo of charcoal. According to information received by the Monitoring Group from confidential sources, *Al Farid* possessed Pakistan paperwork but the dhow had actually loaded charcoal at Kismayo under the name *Rahma* and departed on 18 July. In an apparent attempt to deceive the UAE authorities, the dhow changed its name from *Rahma* to *Al Farid* prior to arrival in Dubai. On 4 August, *Al Farid* was given permission to dock at Port Al Hamriya. In a 9 September letter to the Monitoring Group, the UAE confirmed that *Al Farid* and its cargo of charcoal had been confiscated.

Annex 9.5: Dhows trafficking Somali charcoal (January 2016 – August 2016)

25. The following table is a list of 29 dhows that the Monitoring Group has been able to reliably confirm have transported charcoal from Somalia to the UAE in violation of UN sanctions during this mandate. The information in the table below is based on multiple confidential sources located in Somalia and the UAE, confirmation of certain cases provided by the Government of the UAE, as well as an official registry of vessels provided by the Directorate General of Shipping, Government of India.

26. The list is not comprehensive. The Monitoring Group has received information on numerous other dhows that were not included in the table below due to insufficient corroboration, including positive identification of the registration. Thus, the Monitoring Group estimates that the actual number of dhows regularly trafficking charcoal from Somalia to be substantially more than the 29 dhows listed below.

27. The dhows identified during this mandate have also been cross-referenced with previous reports of the Monitoring Group, particularly S/2013/413 and S/2014/726. Approximately three-quarters (22 out of 29) of the dhows had already been identified as having violated the charcoal ban. The high incidence of repeat offenders suggests there may be a need for authorising a more effective deterrence mechanism so that charcoal transporters (i.e. dhow owners) no longer continue to violate UN sanctions with impunity.

Name of dhow	**Registration**	**Country**	**Dhow Owner**	**Previously identified in SEMG report(s)**
Al Aalam	MNV 2172	India	Salemand Adam Sameja and Ebrahim Adam Sameja	S/2013/413
Al Amin	MNV 2002	India	Yusuf Adam Sameja and Rajak Adam Sameja	S/2013/413
Al Aqsa	BDI 1396	India	Rustam Haji Osman Bhaya	S/2013/413
Al Ashif	MNV 2069	India	Momina Bai Hasam Palija	S/2013/413
Al Azmat	MNV 2137	India	Al Kausar Marine Transport Company	S/2014/726
Al Faizul Barkat	MNV 1967	India	Hajiyani Romat Bai Jusub Agariya	S/2013/413
Al Fahad	1025	Sri Lanka	Hamed Ahmed Bin Fahad	S/2013/413
Al Fahad 3	18910	Sri Lanka	Hamed Ahmed Bin Fahad	NA
Al Fahad 4	7178	Sri Lanka	Hamed Ahmed Bin Fahad	NA
Al Faizane Mohammed	MNV 2179	India	Ali Abhu Sodha	NA
Al Islami	VRL 16625	India	Chauhan Farook A. Rehman	S/2013/413
Al Kabir	MNV 1000	India	Salemand Adam Sameja	S/2013/413

Name of dhow	Registration	Country	Dhow Owner	Previously identified in SEMG report(s)
Al Kausar	MNV 2088	India	Firoz Hasam Thaim	S/2013/413
Al Majid	MNV 2092	India	Abdul Majid Kasam Thaim	S/2013/413
Al Nazir	MNV 2102	India	Hajiyani Romat Bai Jusub Agariya	S/2013/413 S/2014/726
Al Rafique	MNV 2071	India	unknown	S/2013/413 S/2014/726
Al Sidiki	MNV 1019	India	unknown	NA
Al Yashin 1	MNV 2153	India	Al Yaseen Shipping Company	S/2014/726
Al Zuber	MNV 1278	India	Jusab Umar Agariya	S/2013/413 S/2014/726
Harsh Sagar	PBR 3807	India	Ranchhod Gagan Shiyal	S/2013/413
Haseena	17892	Sri Lanka	Salem Al Khattal Group Marine Contracting and Trading LLC	NA
Laxmi Sagar	MNV 1014	India	Haresh Jitender Siyarvala	NA
Mishal 1	PBR 2853	India	Bhikubhai Velji Lodhari	S/2013/413
Nemh Tualah	VRL 11675	India	Issa Sidiq Thaim	S/2013/413 S/2014/726
Shree Nausad	MNV 2087	India	Nausad Isha Thaim	S/2013/413 S/2014/726
Sv Quba	MNV 2183	India	Abdul Matin Iqbal Maklai	NA
Taranhar	MNV 1879	India	Pardeep Naran Bhadreser	S/2013/413
Vishvakalyan	VRL 2315	India	Chunilal Devji Anjani and Company	S/2013/413
Yasin	MNV 2121	India	Kutch Marine Shipping Company	S/2014/726

Annex 9.6: Somali charcoal trade networks[621]

Annex 9.6.a: Kismayo-based charcoal suppliers

Name of supplier	Nationality of Supplier	Affiliation	Charcoal Trafficker Partner(s) in UAE
Said Ahmed[622]	Somalia	•charcoal dealer	
Farah Jama Awil (a.k.a. "Degdeg")[623]	Somalia	•charcoal dealer	Mohamud Ali Osman
Jama (a.k.a.) "Dhuxul"[624]	Somalia	•charcoal dealer	
Ali Ahmed Naaji[625]	Somalia	•Jubbaland Chamber of Commerce, Industry, and Agriculture •former tax collector for Al-Shabaab in Kismayo and Barawe	Ahmed Mohamed Barre
Hassan Mohamed Yusuf (a.k.a. "Awlibaax")[626]	Somalia	•Juba Business Committee (coalition of charcoal traders) •former business representative of Al-Shabaab in Kismayo	Abdirahman Ali Warsame

Annex 9.6.b: Dubai-based charcoal traffickers

Name of trafficker	Nationality of trafficker	Company/ Affiliation	Dhow cargos identified by SEMG
Ahmed Mohamed Barre[627]	Somalia	• Bahaya General Trading Company LLC • partner with Kismayo-based supplier Ali Ahmed Naaji and investor Youssef Moussa Sahu	*Victoria* (2013) *Hari Dham* (2014) *Haseena* (2016)
Mohamud Ali Osman (a.k.a. "Qonof")[628]	Somalia	•partner with Kismayo-based supplier Farah Jama Awil and investor Baba Mansoor Ghayedi	*Raj Milan* (2013)

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[621] Information in annex 9.6 tables compiled during this mandate from multiple confidential sources in Somalia and the UAE, as well as cross-referencing with official government documents and fake paperwork from charcoal dhows. Wherever relevant, previous references from Monitoring Group reports have also been cited in footnotes.

[622] S/2014/726, paragraph 142.

[623] S/2014/726, annex 9.2, paragraph 48.

[624] S/2014/726, paragraph 142 and S/2014/726, annex 9.2, paragraph 48.

[625] S/2013/413, annex 9.2, paragraphs 11 and 26, S/2014/726, paragraphs 141-142; and S/2014/726, annex 9.2, paragraphs 48 and 63.

[626] S/2013/413, annex 9.2, paragraphs 11, 15, and 33; S/2014/726, paragraphs 141-142; and S/2014/726, annex 9.2, paragraphs 44 and 48.

[627] S/2014/726, annex 9.2, paragraph 41; S/2014/726, annex 9.4, paragraph 120; and S/2014/726, annex 9.4.o.

[628] S/2014/726, annex 9.2, paragraphs 48 and 50.

Name of trafficker	Nationality of trafficker	Company/ Affiliation	Dhow cargos identified by SEMG
Farah Hussein Hassan[629]	Ethiopia Somalia	•Wadi Al Hijaz Coal Trading LLC	*Al Nazir* (2014)
Abdi Siad	Ethiopia	•Midnimo General Trading LLC •partner with investor Hassan Mohamed Ahmed	*Al Rafique* (2016) *Al Fahad 3* (2016)
Siad Hassan	Somalia	•Sharjah-based charcoal wholesaler	*Yasin* (2016)
Abdi Shakur Sheikh Ibrahim[630]	Somalia	•self-employed resident	*Raj Milan* (2015) *Al Zuber* (2016) *Al Faizul Barkat* (2016) *Al Kabir* (2016) *Al Islami* (2016)
Abdirahman Ali Warsame (a.k.a. “Dhaqalayste”)[631]	Ethiopia	•partner with Kismayo-based supplier Hassan Mohamed Yusuf	*Energy 3* (2013)[632] *Al Safa* (2014)
Abdullahi Dheere	Ethiopia Somalia	•partner with investor Youssef Moussa Sahu	*Sv Quba* (2016) *Al Aqsa* (2016)

Annex 9.6.c: Dubai-based charcoal investors

Name of Investor	Nationality of Investor	Company	Charcoal Trafficker Partner(s)
Baba Mansour Ghayedi (a.k.a. “Haji Baba”)[633]	Iran	Al Qaed International General Trading LLC	Mohamud Ali Osman (a.k.a. “Qonof”)
Hassan Mohamed Ahmed (a.k.a. “Masry”)[634]	Egypt	Al Baroudi International Coal Trading LLC	Abdi Siad
Yousef Moussa Sahu (a.k.a. “Siri”)[635]	Syria	Al Bahi Coals	Ahmed Mohamed Barre and Abdullahi Dheere

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[629] S/2012/555, annex 2.1, paragaraph 8; S/2013/413, annex 9, paragraph 12; and S/2014/726, annex 9.2, paragraph 88

[630] S/2015/801, annex 8.3.

[631] S/2014/726, paragraphs 141-143; and S/2014/726, annex 9.2, paragraphs 44 and 76.

[632] *Energy 3* was not a dhow; it was a larger vessel with a cargo of 140,000 bags of charcoal

[633] S/2013/413, annex 9.2, paragraphs 12-13 and 18-25; and S/2014/726, annex 9.2, paragraph 91.

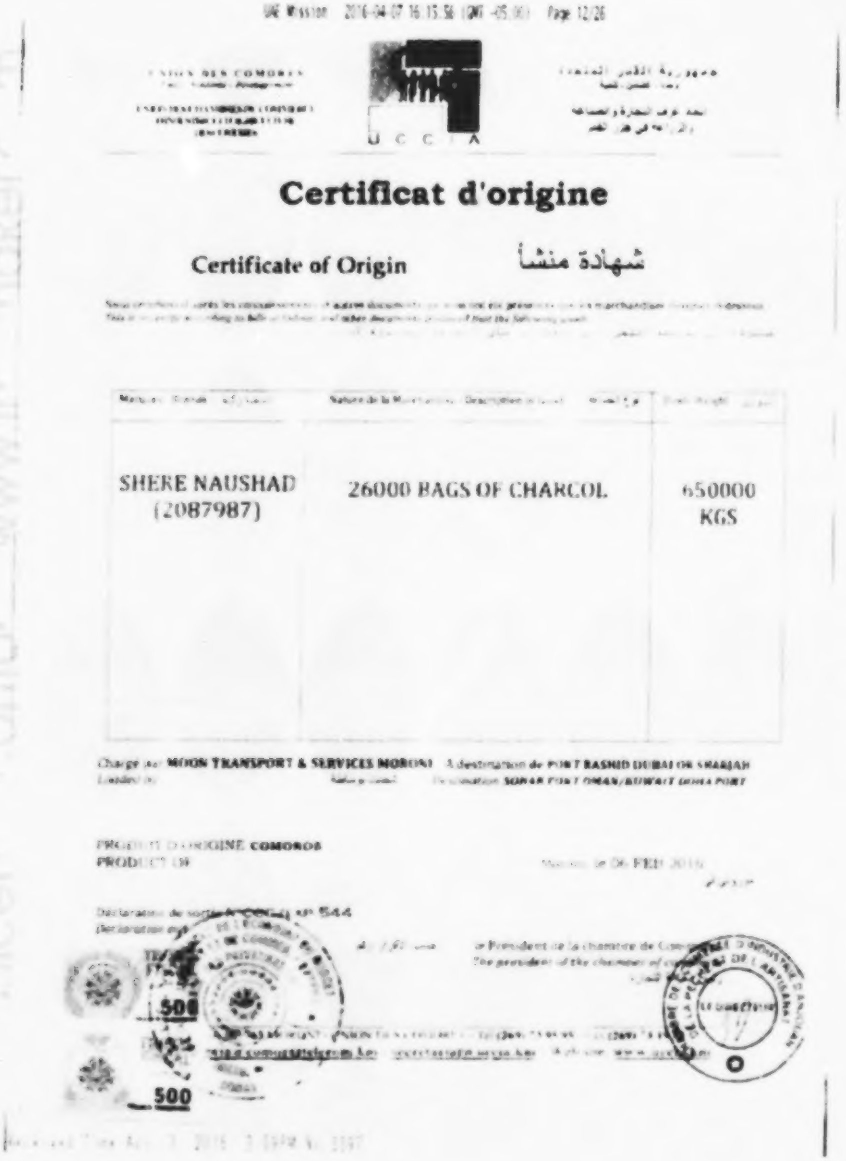
[634] S/2014/726, annex 9.2, paragraphs 51 and 63-64, 78, 87, and 92.

[635] S/2014/726, annex 9.2, paragraphs 79-80; S/2014/726, annex 9.3, paragraphs 96-97; and S/2014/726, annex 9.4, paragraphs 106-107.

Annex 9.7: Use of false documentation

Annex 9.7.a: *Shree Nausad (aka Shere Naushad)*, MNV 2087

Figure 1: Fake certificate of origin (Comoros)



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UNION DES COMOROS

UCCIA

Certificat d'origine

Certificate of Origin شهادة منشأ

SHERE NAUSHAD (2087987)	26000 BAGS OF CHARCOL	650000 KGS

Chargé par **MOON TRANSPORT & SERVICES MORONI** A destination de **PORT RASHID DUBAI OR SHARJAH**

Destination **SOHAR PORT OMAN/KUWAIT DOHA PORT**

PRODUIT D'ORIGINE **COMOROS**

PRODUCT OF

Moroni, le 06 FEB 2016

Déclaration de sortie n° 544

Le Président de la chambre de Commerce

The president of the chamber of commerce

500

500

Figure 2: Fake certificate of origin, reverse side

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الإمارات العربية المتحدة
UNITED ARAB EMIRATES

150.00 AED

456190

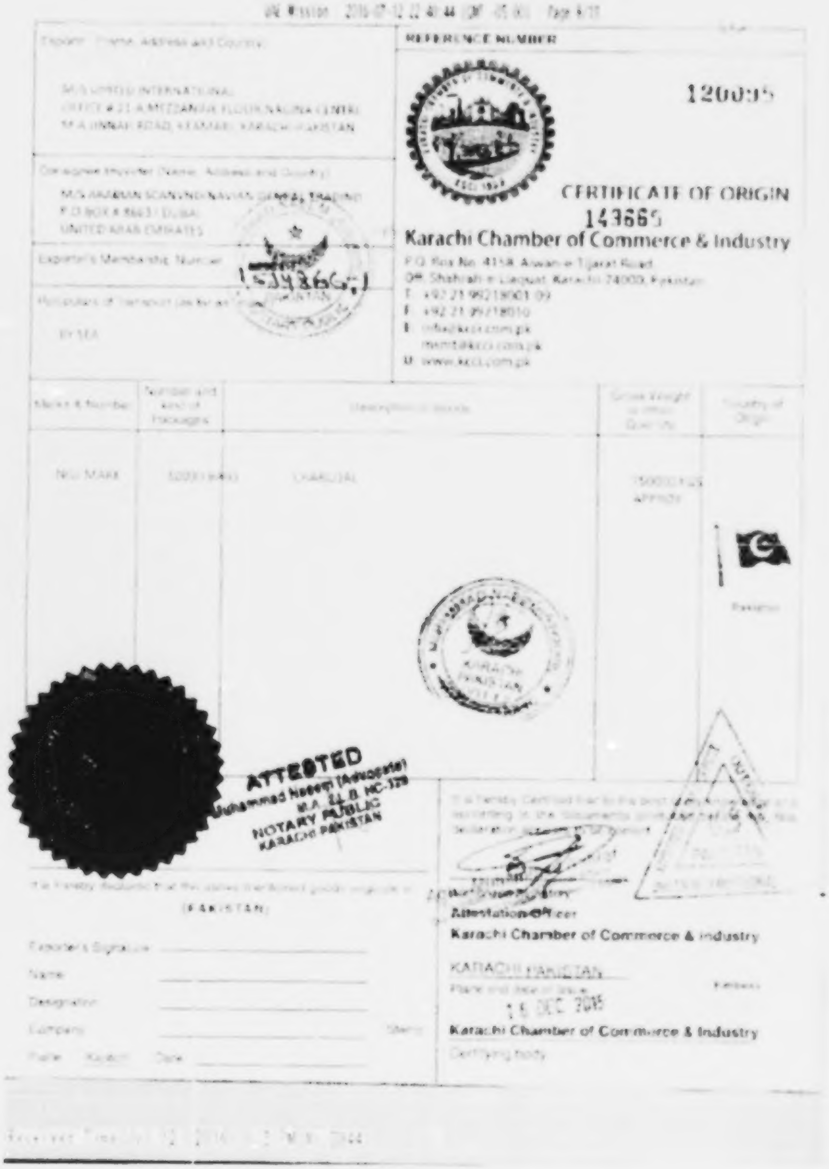
5000

N° 16-35-[illegible]IAD
Date : 07-02-2016

[Received Time Apr. 7. 2016 3:59PM No. 3397]

Annex 9.7.b: *Taranhar*, MNV 1876 Fake

Figure 1: Fake certificate of origin (Pakistan)



Exporter (Name, Address and Country)

M/S UNITED INTERNATIONAL
OFFICE # 21-A MEZZANINE FLOOR NADIRA CENTRE
M.A JINNAH ROAD, KEAMARI, KARACHI PAKISTAN

Consignee Importer (Name, Address and Country)

UNITED ARAB EMIRATES

Exporter's Membership Number

Particulars of Transport (as far as known)

BY SEA

REFERENCE NUMBER

120095

CERTIFICATE OF ORIGIN

143665

Karachi Chamber of Commerce & Industry

P.O. Box No. 4158, Aiwan-e-Tijarat Road
Off. Shahrah-e-Liaquat, Karachi 74000, Pakistan
T: +92 21 99218001-09
F: +92 21 99218010
E: info@kcci.com.pk
www.kcci.com.pk

Marks & Number	Number and kind of Packages	Description of Goods	Gross Weight or other Quantity	Country of Origin
NO MARK	5000 BAGS	CHARCOAL	150000 KGS APPROX	Pakistan

ATTESTED
Muhammad Naseem (Advocate)
M.A. LL.B. HC-
NOTARY PUBLIC
KARACHI PAKISTAN

It is hereby declared that the above mentioned goods originate in

(PAKISTAN)

Exporter's Signature

Name

Designation

Company

Stamp

Place Karachi Date

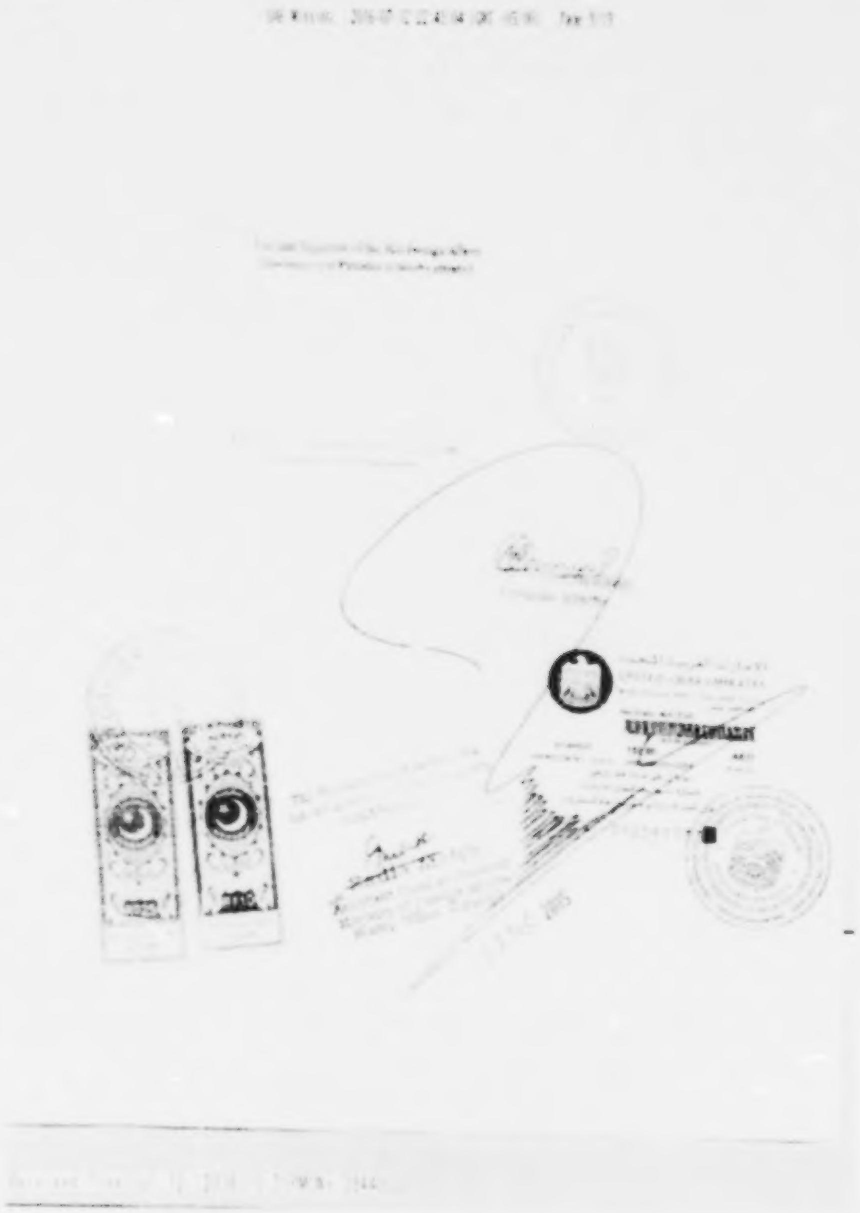
It is hereby Certified that to the best of our knowledge and according to the documents produced before us, this declaration appears to be correct.

Attestation Officer
Karachi Chamber of Commerce & Industry

KARACHI PAKISTAN
Place and date of issue
15 DEC 2015

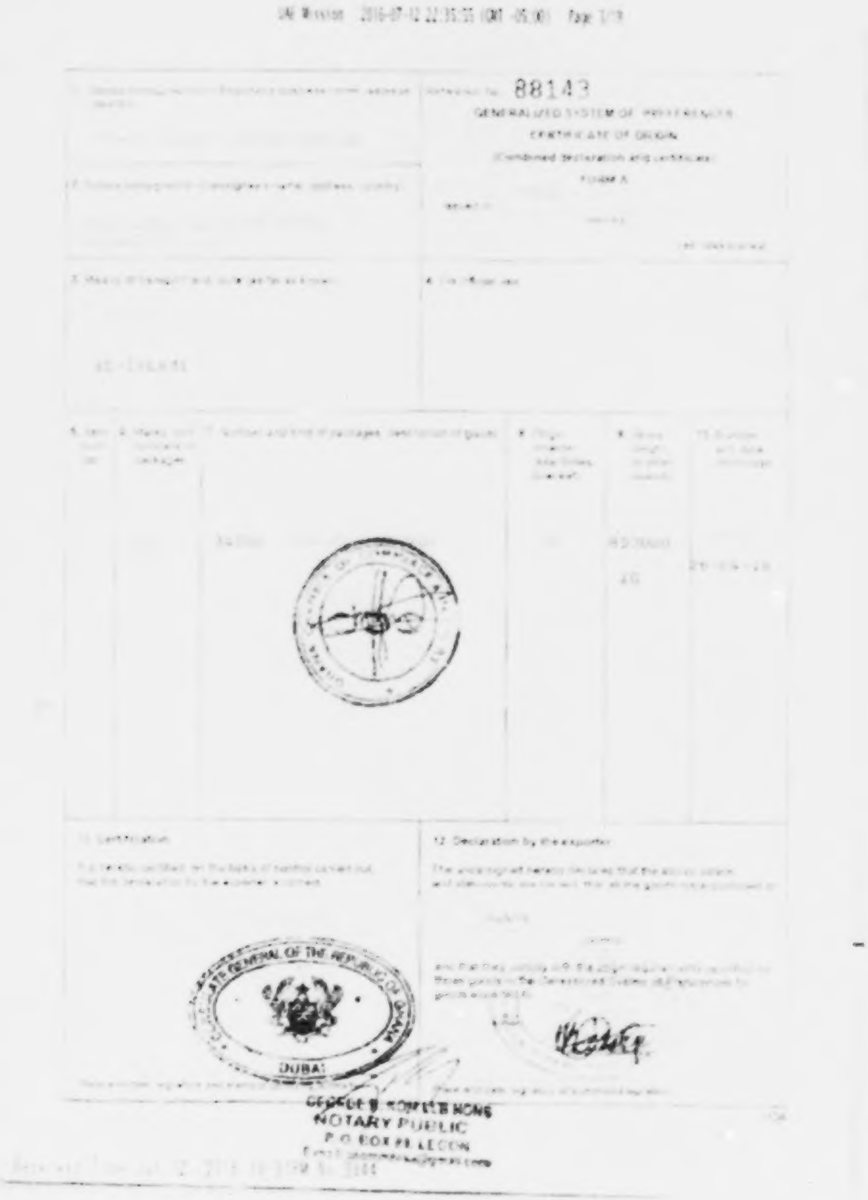
Karachi Chamber of Commerce & Industry
Certifying body

Figure 2 Fake certificate of origin, reverse side



Annex 9.7.c: Al Islami, VRL 16625

Figure 1 Fake certificate of origin (Ghana)



88143

GENERALIZED SYSTEM OF PREFERENCES

CERTIFICATE OF ORIGIN

(Combined declaration and certificate)

FORM A

3. Means of transport and route (as far as known)

AL-ISLAMI

4. For official use

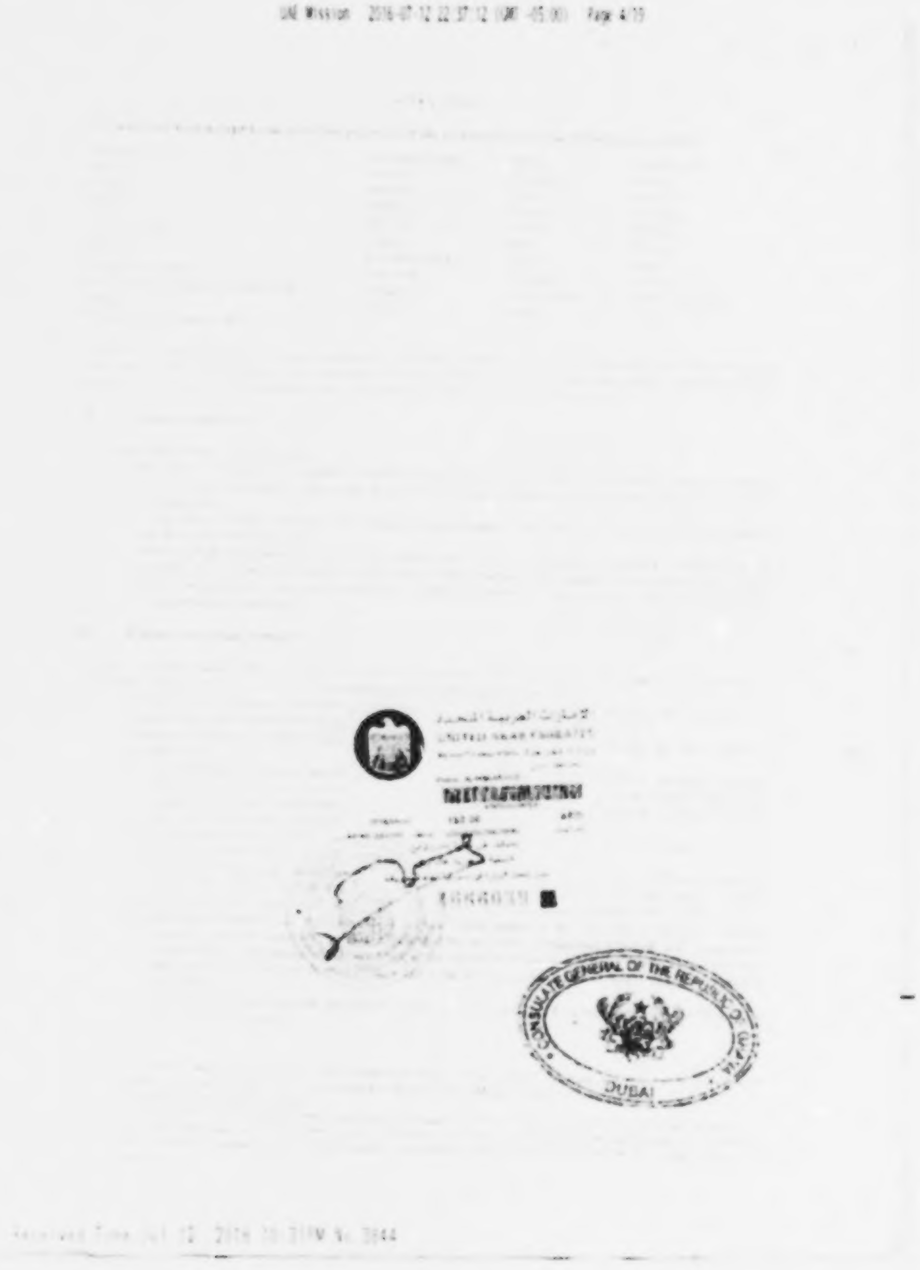
11. Certification

12. Declaration by the exporter

DUBAI

NOTARY PUBLIC

Figure 2
Fake certificate of origin, reverse side



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الإمارات العربية المتحدة
UNITED ARAB EMIRATES

CONSULATE GENERAL OF THE REPUBLIC OF GHANA
DUBAI

Received Time Jul. 12. 2016 10:31PM No. 2844